



2024: DHC: 2464-DB



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4578/2024

**SURJIT SINGH YADAV**

..... Petitioner

Through: Mr. Shashi Ranjan Kumar Singh,  
Advocate

versus

**UNION OF INDIA AND ORS**

..... Respondents

Through: Mr. Chetan Sharma, ASG with Mr.  
Apoorv Kurup, CGSC, Mr. Akhil  
Hasija, Mr. Amit Gupta, Mr. Vinay  
Yadav, Mr. Vikramaditya Singh and  
Ms. Gauri Goburdhan, Advocates for  
R-1/UOI

Mr. Santosh Tripathi, Standing  
Counsel with Mr. Sadan Farast, ASC  
for R-2

Mr. P. Dosi, Advocate for  
Department

Mr. Rahul Mehra, Sr. Advocate with  
Mr. Karan Sharma, Mr. Tushar Sannu  
and Mr. Chaitanya Gosain, Advocates  
for R-4

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Date of Decision: 28<sup>th</sup> March, 2024

**CORAM:**

**HON'BLE THE ACTING CHIEF JUSTICE**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**JUDGMENT**

**MANMOHAN, ACJ : (ORAL)**

**CM APPL. 18779/2024 (for exemption)**

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.



**W.P.(C) 4578/2024**

1. Present public interest petition has been filed seeking Writ in the nature of Quo Warranto calling upon the Respondent Nos. 1 to 3 to justify under what authority Respondent No. 4 is continuing to hold the post of Chief Minister of Government of NCT of Delhi and to further remove Respondent No. 4 from the post of Chief Minister of the Government of NCT of Delhi.

2. Learned counsel for the Petitioner states that the continuance of Respondent No. 4 as the Chief Minister of Government of NCT of Delhi after his arrest by the Enforcement Directorate in the money laundering case relating to the alleged liquor policy scam has degraded the credibility and image of Government of NCT of Delhi in the eyes of general public. He states that the continuance of Respondent No. 4 as Chief Minister has lead to breakdown of Constitutional machinery in the State.

3. He contends that with the Chief Minister in custody, the State Government cannot function. In support of his contention, he relies upon Rule 585 of the Delhi Prison Rules, 2018, which reads as under:-

*“Every prisoner shall be allowed reasonable facilities for seeking or communicating with, his family members, relatives, friends and legal advisers for the preparation of an appeal or for procuring bail or for arranging the management of his property and family affairs  
He shall be allowed to have interviews with his family members, relatives, friends and legal advisers twice in a week. A prisoner may be allowed to work any number of letters at his cost, however government will provide four post cards in a month, if he so desires .”*

4. Having heard the counsel for the Petitioner and having perused the paper-book, this Court is of the view that there is no scope for judicial interference in the present matter. This Court in writ jurisdiction cannot remove or dismiss Respondent No. 4 from the post of Chief Minister of the



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Government of NCT of Delhi or declare breakdown of constitutional machinery in the State. It is for the other organs of the State to examine the said aspect in accordance with law. This Court clarifies that it has not commented upon the merits of the allegations.

5. With the aforesaid observations, the present writ petition is dismissed.

**ACTING CHIEF JUSTICE**

**MANMEET PRITAM SINGH ARORA, J**

**MARCH 28, 2024/rhc**