

259+101 CM-11454-CWP-2024; CM-1197-CWP-2024; -1-  
 CM-1198-CWP-2024; CM-9813-CWP-2024;  
 CM-10636-CWP-2024 in CWP-463-2023

NATIONAL HIGHWAY AUTHORITY OF INDIA AND ORS. VS STATE OF PUNJAB AND ORS.

Present :- Mr. Chetan Mittal, Sr. Advocate with  
 Mr. R.S. Madan, and Mr. Mayank Aggarwal,  
 Advocate for the applicants.

Mr. Saurav Verma, Addl. A.G., Punjab.

Mr. Ankit Bishnoi, Advocate and  
 Mr. Harpreet S. Sidhu, Advocate for the applicants  
 in CM-11454-CWP-2024.

\*\*\*\*\*

**CM-11454-CWP-2024**

Prayer in the application is for impleadment of the applicants as intervener.

After arguing at some length, learned counsel for the applicants submits that he does not want to press the present application so as to take recourse to the alternative efficacious available remedies in accordance with law.

Disposed of as not pressed with the liberty as aforesaid.

**Main case:**

Reply by way of affidavit dated 22.07.2024 of Mr. Arpit Shukla, IPS, Special Director General of Police, Law and Order, Punjab, along with Annexure R-1 on behalf of respondents No.1 to 3 has been filed today in the Court and the same is taken on record. Copy thereof has been furnished to the learned counsel opposite. Registry is directed to tag the same at an appropriate place.

It is evident from a perusal of the said reply that security arrangements for ensuring smooth operations of the Toll Plazas has not been

259+101 CM-11454-CWP-2024; CM-1197-CWP-2024; -2-  
CM-1198-CWP-2024; CM-9813-CWP-2024;  
CM-10636-CWP-2024 in CWP-463-2023

made by the respondent-State. The said officer had earlier filed an affidavit dated 15.02.2023 before this Court assuring therein that the Police would ensure that no untoward incident occurs or any damage is caused to the infrastructure of the Toll Plazas. Similar undertaking was also reiterated on behalf of the respondents in the subsequent affidavit dated 12.07.2023 as well.

Recurrence of the problem is itself reflective of the lacking resolve on the part of the Government and its adhoc approach to the issues brought before it. A specific query had also been put to the learned State counsel as to whether the operation at the Toll Plazas are being carried out in violation of any statutory provisions or against the provisions of the National Highways Act,1956 and Rules and Regulations framed thereunder. He has not been able to indicate any illegality committed by the National Highways Authority of India or the concessioners, as would give a right to a protestor to take control over the Toll Plaza.

This Court pointed out that the Hon'ble Supreme Court has specifically held in the judgment reported as **2014 (6) SCC (Criminal) 298** and titled as '**Beenu Rawat and others Vs. Union of India and others**' that although the protestors have right to carry out the demonstrations against public functionaries, it is the duty of the Police to maintain law and order and ensure that the protestors do not break the law and similar responsibility also vests on the protestors. Proper balance amongst such rights and duties is required to be maintained.

**259+101 CM-11454-CWP-2024; CM-1197-CWP-2024; CM-1198-CWP-2024; CM-9813-CWP-2024; CM-10636-CWP-2024 in CWP-463-2023 -3-**

Hence, the duty has also been cast upon the protestors to abide by the mandate of law. In an anxiety to put-forth their point, they should not traverse the rights that have been conferred upon other persons including statutory authorities. It is evident that the Police as well as the protestors have failed to ensure that the duties/responsibilities enjoined upon them are discharged to the fullest.

Learned State counsel on instructions from Mr. Arpit Shukla, IPS, Special Director General of Police, Law and Order, Punjab submits that the protests leading to closure of any/all Toll Plaza(s) in the State of Punjab shall be removed within a period of 04 weeks. This undertaking made by the learned State counsel on specific instructions from Special Director General of Police, Law and Order, Punjab is accepted in the interest of justice and to provide an opportunity to the respondent-State to deal with the matter in its own wisdom.

Let the necessary affidavit be filed by the respondents about compliance of the undertaking given in the Court today.

To come up on 13.09.2024 for further consideration.

**23.07.2024**  
*Mangal Singh*

**(VINOD S. BHARDWAJ)**  
**JUDGE**