

Most - Urgent

LETTER PETITION IN THE FORM OF PIL.

DT. 07.04.2020

TO,  
THE HON'BLE CHIEF JUSTICE OF INDIA  
SUPREME COURT OF INDIA  
TILAK MARG, NEW DELHI 110001

From :  
(AJAY GAUTAM)  
PETITIONER/APPLICANT IN PERSON  
R/O 26/127-A, GROUND FLOOR,  
SIDDHARTH GALI NO.10,  
VISHWAS NAGAR,  
SHAHDARA DELHI-110032.  
MOBILE NO. 9811128861

Sub: LETTER PETITION IN THE FORM OF PIL FOR ISSUANCE OF  
NECESSARY ORDER OR DIRECTION TO THE GOVERNMENT OF  
NCT OF DELHI AND UNION OF INDIA THROUGH MINISTRY OF  
HOME AFFAIRS TO IMPOSE BAN ON THE ALL ACTIVITIES OF THE  
ORGANIZATION NAMED TABLIGI JAMAT WITH IMMEDIATE  
EFFECTS.

AND

FOR ISSUANCE OF NECESSARY ORDERS AND/OR DIRECTIONS  
TO GOVERNMENT OF NCT OF DELHI TO DEMOLISH THE  
BUILDING OF THE OFFICE OF THE ORGANIZATION NAMED  
TABLIGI JAMAT AT NIZZAMUDDIN UNDER THE PROVISION OF  
MCD ACT.

AND

FOR ISSUANCE OF NECESSARY ORDERS AND/OR DIRECTIONS TO GOVERNMENT OF NCT OF DELHI AND UNION OF INDIA THROUGH MINISTRY OF HOME AFFAIRS TO TRANSFER THE INVESTIGATION TO THE CBI TO INVESTIGATE THE CONSPIRACY FOR SPREAD THE CORONA VIRUS THROUGHOUT INDIA BY THE MEMBERS/ PARTICIPATORS OF ORGANIZATION IN THE GARB OF RELIGIOUS GATHERING.

AND

FOR ISSUANCE OF NECESSARY ORDERS AND/OR DIRECTIONS TO GOVERNMENT OF NCT OF DELHI AND UNION OF INDIA THROUGH MINISTRY OF HOME AFFAIRS TO TRANSFER THE INVESTIGATION TO THE CBI TO INVESTIGATE THE ROLE OF ABOVE MENTIONED ORGANIZATION IN NORTH-EAST DELHI RIOTS WHICH WERE TAKE PLACE AT VARIOUS PART OF NORTH-EAST DELHI ON SAME DAY ( 24.02.2020 ) AFTER THE IJTMA ORGANIZED BY THE ABOVE NAMED ORGANIZATION AT IEDGAH DELHI

And

FOR ISSUANCE OF NECESSARY ORDERS AND/OR DIRECTIONS TO GOVERNMENT OF NCT OF DELHI AND UNION OF INDIA THROUGH MINISTRY OF HOME AFFAIRS TO TAKE STRICT ACTION AGAINST THE RESPONSIBLE OFFICERS OF THE POLICE AND CIVIL ADMINISTRATION WHO WERE FAILED TO STRICT COMPLIANCE THE ORDERS PASSED BY THE STATE DATED 12.03.2020 AND 16.03.2020 ON TIME.

The humble Letter Petition of the  
Applicant most humbly submits

**AS UNDER:**

1. That I, Ajay Gautam ( Letter Petitioner ) resident at above mentioned address and working for welfare of society and public good specially for people who deprived with justice.

**BRIEF FACT OF THE CASE :**

2. That Coronavirus has been declared global health emergency by World health Organization.
3. That the Delhi government in order to prevent and control the outbreak of Novel Coronavirus ( COVID – 19 ) , Has invoked provisions of the Epidemic Act on 12.3.2020 and directed the closure of all educational institutions and cinema halls in the state till 31.03.2020.
4. That the Delhi government ( Health Department ) on 16.3.2020 in order to prevent and control the outbreak of Novel Coronavirus ( COVID – 19 ) directed the closure of all Gymnasium, SPA, Night Clubs and theaters, weekly Bazar in the state till 31.03.2020,. That any gatherings , social , cultures, political , religious, academic, sports, seminar, conference( except marriages ) is restricted to maximum of 50 persons till 31.03.2020 vide Order dated 16.03.2020. It is submitted that later its reduce to 20 persons only.
5. The Union of India has decided to treat Coronavirus in India as a notified disaster for the purpose of providing assistance

under the State Disaster Response Fund (SDRF) on 14.03.2020.

6. That section 144 of the Cr.P.C. also imposed in National Capital on 22.03.2020 and gathering of more than 4 persons restricted in National Capitol.
7. That despite the above mentioned orders passed by the State an organization named *TABLIGH-E-JAMAAT*, at Nizamuddin, New Delhi organized a religious gathering named Merkas from 12.03.2020 to 15.03.2020 at above mentioned place.
8. It is submitted that more than 10,000 persons joined above mentioned religious gathering. It is further submitted that the participators were came to join the said religious gathering almost every part of the country.
9. It is submitted that Hundreds of foreigner of 61 countries who were came on tourist Visa joined above gathering for propagating Islam in India. It is further submitted that hundreds of foreigner who joined the gathering came from where the Coronavirus already spread in large numbers. It is further submitted that the above named organization hide this information from the concern agency.
10. That despite of over of the function dated 15.03.2020, that despite of above mentioned orders passed by the state on various dates, despite of imposition of Sec. 144 of the Code the above mentioned organization continued its gathering

more than 2700 participators including foreigners continued its gathering at above mentioned place till 31.03.2020 when Police and other agency came on action after death of many persons due to corona virus who were joined said gathering.

11. That as result of above illegal gathering and due to illegal act and action of the above named organization the corona virus spread in more than 21 states of India through the participators who were came almost every part of the country to joined said illegal gathering.

12. That the participators/ Jemaateis including foreign national spread almost every part of India and hide themselves either in mosques or elsewhere.

13. That the agencies issued advisories for the participators/ Jemaateis for come forward and report to the concern department for medical checkup none of them come forward and hide themselves. It is submitted that when police and other agency raided on their places than most of participators/ Jemaateis found infected. It is further submitted that Police and other agencies attacked by the participators/ Jemaateis and their sympathizers when they raid or approach to them for medical checkup or in compliance of guidelines of coronatine.

14. That similarly hundreds of videos are published and circulated in social media with offensive messages against the majority

of the population of this country connecting with subject of NRC , CAA etc. it is submitted that these videos are also provoking a particular section of society to spread pandemic.

15. That participators/ Jemaateis who were found infected or keep in corontine continue creating trouble for police , doctors and other staff and refused to take medical treatment.
16. That thousands of participators/ Jemaateis including foreign nationals were evacuate/ arrested/ detained by the police from hundreds of mosques/ Madarsas who were hide themselves after many advisories issued by agencies.
17. That thousands of participators/ Jemaateis are still out of reach from the hands of agencies and spreading this pandemic among the citizens in every part of India.
18. That 35 to 40 percent of the cases of the corona virus are alone reported from the participators/ Jemaateis who were joined above religious gathering. In total 4281 cases and 111 deaths are reported on 06.04.2020.
19. That in National Capitol 60 to 70 percent cases of corovirus are reported from the participators/ Jemaateis, on 06.04.2020, 525 cases are reported including 329 cases from Tablighi Jamat, 7 deaths are reported.
20. That it is not out of the context by submitting that on 24.02.2020 the above named organization organized a religious gathering on 24.02.2020 at Eidgaha, Delhi wherein

thousands of participators/ Jemaateis joined this religious gathering and on same day the riots were taken place in various part of the North-East Delhi.

21. That in the light of above mentioned facts, in first impression this is not a normal mistake of the above organization, in first look it's a well plan conspiracy to spread pandemic in India by the thousands of participators/ Jemaateis by using this bio weapon on a other hand it is like waging war against the union of India by the above organization through thousands of participators/ Jemaateis.
22. That as per the best of the knowledge of the petitioner the seven story building of the Merkas/ office of the above organization is constructed without permission of the concern agency against the bio laws of the Municipal Corporation and running this office without NOC of the Police, Fire department as well as other concerned agency and liable to demolish under the provision of MCD Act.
23. It is important to mention here that the organizers admitted itself and confirmed by the SHO PS Nizamuddin that said illegal building of the Merkas is using/ running as a hostel for participators/ Jemaateis and minimum 2000 to 3000 persons are living/ staying at one time including foreign nationals .
24. That in the light of the above circumstances the all activities of the above organization may be ban with immediate effect.

25. That responsible officers of the police and administrative side who were failed to strict compliance the above orders passed by the state on time may punish accordance with law.
26. That in above circumstances only a central investigation agency can be investigate this matter.

Question of Law.

27. The substantial questions of law of general public importance which are involved in the present letter petition are:
- A. Whether a particular community/section of the society can be permitted to flagrantly violate the law of land ?
- B. Whether the law of land discriminate between the minority and majority ?
28. Aggrieved by the illegal, unlawful and anti-national acts of the organizers/ participators/ Jemaateis the Petitioner is filing/ sending present Letter Petition on amongst others, the following:

GROUNDS

- I. BECAUSE this Hon'ble Court in the matter of *NHRC vs. State of Arunachal Pradesh(1996)1SCC742* it has been held that:

*" 20. We are a country governed by the Rule of Law. Our Constitution confers certain rights on every human-being and certain other rights on citizens. Every person is entitled to equality before the law and equal protection of the laws. So also, no person can be deprived of his life or personal liberty except according to procedure established by law. Thus the state is bound to protect the life and liberty of every*



*human-being, be he a citizen or otherwise, and it cannot permit anybody or group of persons, e.g., the AAPSU, to threaten the Chakmas to leave the state, failing which they would be forced to do so. No state Government worth the name can tolerate such threats by one group of person to another group of persons; it is duty bound to protect the (Sic) group from such assaults and if it fails to do so, it will fail to form its Constitutional as well as statutory obligations. Those giving such (Sic) would be liable to be dealt with in accordance with law. The state Government must act impartially and carry out its legal obligations to safeguard the life, health and well-being of Chakmas residing in the state without being inhibited by local politics. Besides, by refusing to forward their applications, the Chakmas are denied rights, Constitutional and statutory, to be considered for being registered as citizens of India”.*

- II. BECAUSE Equal Access to legal process provided by Article 14 of the constitution of India equality guaranteed to every citizens of India.
- III. BECAUSE the matter is pertains to various states therefore a central agency like CBI can be investigate the issue raised in the letter petition.
- IV. BECAUSE This Hon'ble Court in the Case of Gudalure M.J.Cherien v. Union of India,( 1992) 1 SCC 397 see also under 'state law lessness etc' Gudalure M.J.Cherien v. Union of India,1995 supp (3) SCC 387. Held

“At this stage it is not for Supreme Court , ordinarily, to response the investigation by entrusting the same to a specialized agency like CBI but in a given situation, to do

justice between the parties and to install confidence in public mind court may ask CBI to investigate.

Direction: CBI directed to hold further investigation as per FIR lodged”

29. That petitioner approached Ministry of Home Affairs, Office of the Prime Minister and office of the Chief Minister of Govt. of NCT of Delhi by oral and telephonic representation with regard to the issue raised in present letter petition but since the concerned department has failed to take any requisite steps, Petitioner is left with no option but to send this letter petition to this Chief Justice of India for necessary indulgence.

*PRAYER*

Under the circumstances, it is, most humbly prayed to the Hon'ble Acting Chief Justice may graciously be pleased to:

- A. TREAT/consider this letter petition as writ petition and take it on board as a PIL;
- B. ISSUE appropriate orders or directions to the Government Of NCT of Delhi and Union Of India through ministry of Home Affairs to impose complete ban on the all activities of the organization named *Tabligi jamat* with immediate effects.
- C. ISSUE appropriate orders or directions to the Government Of NCT Of Delhi to demolish the building of the office of the

organization named *Tabligi Jamat* at Nizamuddin in New Delhi under the provision of MCD Act.

- D. ISSUE appropriate orders or directions to the Government Of NCT Of Delhi and Union Of India through ministry of Home Affairs to transfer the investigation to the CBI to investigate the conspiracy for spread the corona virus throughout India by the members/ participators of organization in the garb of so called religious gathering.
- E. ISSUE appropriate orders or directions to the Government Of NCT Of Delhi and Union Of India through Ministry Of Home Affairs to transfer the investigation to the CBI to investigate the role of above mentioned organization in North-East Delhi riots which were take place at various part of North-East Delhi on same day ( 24.02.2020 ) after the *Ijtma* organized by the organization named *Tabligi Jamat* at Eidgaha, Delhi.
- F. Issue necessary orders and/or directions to Government Of NCT Of Delhi and Union Of India through Ministry Of Home Affairs to take strict action against the responsible officers of the police and civil administration who were failed to strict compliance the orders passed by the state dated 12.03.2020 and 16.03.2020 on time.
- G. ISSUE any other direction which may deem fit and proper under the facts and circumstances of the letter petition in the interest of justice.

FILED / SEND BY

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DELHI

DATED: 07.04.2020

