



Date : 7.10.2021

MOST URGENT

To,

Shri. Dipankar Dutta

Hon'ble Chief Justice

Bombay High Court

Applicant: Ambar H. Koiri

B – 1501, Runwal Hts.

L.B.S. Marg, Mulund (W)

Mumbai – 400 080

- Sub:-**
1. Immediate hearing of **PIL No. 85 of 2021 & 84 2021** filed by **Shri. Yohan Tengra & Shri. Feroz Mithiborwalla** regarding quashing of unconstitutional & arbitrary conditions of vaccination to avail certain facilities and thereby discriminating the public at large.
 2. Allowing the Applicant to intervene in the Petition.

Respected Sir,

1. That, I am a steering committee member of Awaken India Movement (AIM), Website: www.awakenindiamovement.com. In MMRDA region we have a growing number of members totaling more than 10,000 who



are aggrieved by the unjust circulars. We are guided by statement of Dr. Sanjay Rai Director of AIIMS & other experts from India and abroad, which suggests that, Natural Immunity is more robust and 13 times better than the vaccines. Further herd immunity has been achieved, hence vaccination is not required.

2. I undersigned residing at abovementioned address, do hereby request you for immediate listing of the abovesaid Public Interest Litigation, because the result of said PIL is having immediate effect upon violation of fundamental rights of the applicant and various citizen.
3. Due to non-listing of abovesaid PIL many corrupt and criminal minded public servant are misusing their power to bring many circulars and mandate to harass the public and they are only working for the welfare of the vaccine syndicate. The rights of the citizen are put to wind.
4. Hon'ble Supreme Court in the case of **Arnab Goswami Vs. State (2021) 2 SCC 427**, has ruled that the cases related with life and liberty of citizen should be heard by keeping aside all the cases in hand. It is ruled as under;

"72.... Every court in our country would do well to remember Lord Denning's powerful invocation in the first Hamlyn Lecture, titled "Freedom under the Law" [Sir Alfred Denning, "Freedom under the Law", the Hamlyn Lectures, First Series, available at]: "Whenever one of the Judges takes seat, there is one application which by long tradition has priority over all others. The counsel has but to say. 'My



Lord. I have an application which concerns the liberty of the subject, and forthwith the Judge will put all other matters aside and hear it...." It is our earnest hope that our courts will exhibit acute awareness to the need to expand the footprint of liberty and use our approach as a decision-making yardstick for future cases..."

5. That the above PIL's are concerned with the life and liberty of crores of people and if the PIL are delayed then the many people will have to take vaccines against their will as it is a concern for their livelihood. In that case the blame of any unpleasant or life threatening incident will go to the inaction by the Hon'ble High Court.

6. Needless to mention here that around 4969 people died as on dated 06.10.2021 immediately after vaccination as per media report.

7. The same is forwarded to Hon'ble Prime Minister & Hon'ble President every week.

Grievance Registration No.:- PRSEC/E/2021/25113.

8. That in a similar situation the Bench of Hon'ble Meghalaya High Court headed by **Hon'ble Chief Justice Shri. Biswanath Somadder & Justice Shri. H.S. Thangkhiew** had come forward to protect the rights of the citizen and suo-moto taken the cognizance of such circulars and quashed the similar circulars.

9. The questions raised in my mind is as to why Chief Justice of Hon'ble Bombay High Court is not following the same procedure to protect the fundamental rights of the citizens. It is time honoured phrase that, **"Justice delayed is Justice denied."**



10. At last, I would like to conclude with the words of caution given in **Re: Quellet (1976) 8 CCC (2d) 338 (QCCS)**, and by Constitution Bench of Hon'ble Supreme Court in the case of **Anita Kushwaha's case (2016) 8 SCC 509**, where it is warned to all Judges that, they should do their level best to see that rights of the public are protected. Else the public will lose faith in the court and it will weaken the justice delivery system and poses a threat to the rule of Law.

In **Re:Quellet (supra)** it is ruled as under;

“Public confidence in the administration of justice should be protected without which all those who may have business before the Courts are likely to be lose faith, with the result that the public, rather than having recourse to the Courts for the settlement of their disputes, will seek other means, legal or illegal. There is an essential public interest in the upholding of the authority of the Courts and of the law.”

11. Constitution Bench in **Anita Kushwaha's case (supra)**, has ruled as under;

“25.... Unduly long delay has the effect of bringing about blatant violation of the rule of law and adverse impact on the common man's access to justice. A person's access to justice is a guaranteed fundamental right under the Constitution and particularly Article 21. Denial of the right undermines public confidence in the justice delivery system and incentivises people to look for short cuts and other fora where they feel



that justice will be done quicker. In the long run, this also weakens the justice delivery system and poses a threat to the rule of law.

“25. In Tamilnad Mercantile Bank Shareholders Welfare Assn. (2) v. S.C. Sekar [Tamilnad Mercantile Bank Shareholders Welfare Assn. (2) v. S.C. Sekar, (2009) 2 SCC 784] , this Court declared that an aggrieved person cannot be left without the remedy and that access to justice is a human right and in certain situations even a fundamental right.”

“18... Bose, J. emphasised the importance of the right of any person to apply to the court and demand that he be dealt with according to law. He said: (Prabhakar Kesheo case [Prabhakar Kesheo Tare v. Emperor, AIR 1943 Nag 26 : 1942 SCC OnLine MP 78] , SCC OnLine MP para 1)

“1. ... The right is prized in India no less highly than in England, or indeed any other part of the Empire, perhaps even more highly here than elsewhere; and it is zealously guarded by the courts.”

12. I hope your good self will consider my concern seriously and give directions to the Registry to list the above Writ Petitions urgently.

Thanking you in anticipation.

Sincerely

