

IN THE SUPREME COURT OF INDIA

ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. OF 2020

(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

IN THE MATTER OF

SUPRIYA PANDITA

...PETITIONER

VERSUS

1. STATE OF GUJARAT,

THROUGH,

ITS CHIEF MINISTER'S OFFICE,

NEW SACHIVALAY SWRNIM SANKUL

3RD FLOOR SECTOR 10 GANDHINAGAR,

GUJRAT -382010

...RESPONDENT NO. 1

2. STATE OF MAHARASHTRA,

THROUGH,

ITS CHIEF MINISTER'S OFFICE,

MANTRALAYA 6TH FLOOR

NARIMANPOINT, MUMBAI

400032

...RESPONDENT NO. 2

3. UNION OF INDIA

THROUGH,

THE PRIME MINISTER'S OFFICE,

SOUTH BLOCK,

NEW DELHI - 110001

...RESPONDENTNO. 3

4. ADANI GROUP OF COMPANIES ,

ADANI HOUSE NEAR MITHAKHALI CIRCLE

NAVRANGPURA, AHMEDABAD

GUJRAT -380009

...RESPONDENT NO. 4

PETITION UNDER ARTICLE 32 OF THE CONSTITUTION
OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE
OF UNDER ARTICLE 21 OF THE CONSTITUTION OF
INDIA.

To,

HON'BLE THE CHIEF JUSTICE OF INDIA AND HIS
COMPANION JUSTICES OF THE HON'BLE
SUPREME COURT OF INDIA.

THE HUMBLE PETITION OF THE
PETITIONER ABOVE NAMED:

MOST RESPECTFULLY SHOWETH: -

1. That the petition is not guided by self-gain or for gain of any other individual person, institution, or body. There is no motive other than the larger public interest in filing this petition.

Petitioner has no personal interests or individual gain, private motive, or oblique reasons in filing this petition. It is totally bona-fide with the sole purpose of larger public interest and national security as it's a violation of Article 12, 21 and 51(A)(j) of the Constitution of India, 1949.

2. That the source of averments made in this petition is personal knowledge and information collected from various sources, including newspapers and websites. Petitioner is filing this PIL under Article 32 of the Constitution of India in the nature of public interest litigation seeking direction from this court to terminate any MOU signed by the respondents with its China counterparts for trade and business and the escalated tensions at border which led to martyrdom of many soldiers more so when the Respondent No. 3 had banned almost 59 China mobile application sitting national security reasons. While the Ban on these Mobile App may be a welcome step but on the other hand allowing few select business house or few select state government to enter in to MOU with Chinese Business house or stakeholders from China sends a wrong message to the people of India. This Selective and preferential to these few select business, or few select state to enter in to MOU with Chinese Business house or stakeholders from China treatments is not only discriminatory but also against the will and sentiments of the People of India .

The Petitioner is seeking the following reliefs:

- a. Issue a writ of mandamus or other appropriate writ order or direction directing Respondent's to terminate the MOU Signed with Chinese Government and/or Chinese Companies;

- b. Issue a writ of mandamus or other appropriate writ, order and direction directing the Union of India to make public its trade policies with the Government of China in view of the escalated war like situation between the two countries.
 - c. Issue such other appropriate writ or direction that may be deemed to be just and equitable in the facts and circumstances of the case and in the interest of justice.
3. That the cause of action for this writ petition arises out of the inaction of the Respondent's here in above either directly or indirectly signed MOU with its china counterpart for trade and business amidst the escalated tension at border between India and China when the Respondent No. 3 had banned almost 59 China mobile application sitting national security reasons. While the Ban on these Mobile App may be a welcome step but on the other hand allowing few select business house or few select state government to enter in to MOU with Chinese Business house or stakeholders from China sends a wrong message to the people of India. This Selective and preferential to these few select business, or few select state to enter into MOU with Chinese Business house or stakeholders from China treatments is not only discriminatory but also against the will and sentiments of the People of India. More so such MOU's are against prime minister's own call for Atmanirbhar Bharat.
4. That there is no requirement for moving concerned government for relief sought in this petition. There is no other efficacious, economic and alternative remedy available to the Petitioner except for approaching this Hon'ble Court by way of this petition.

6. That the Respondent No. 1, 2 and 3 are the State of Gujarat, State of Maharashtra and Union of India respectively, having their addresses as mentioned in the captioned title. As per the media reports the Respondent No. 1 and 2 have signed an MOU with China. The Respondent No. 4 is a group of company having their address as mentioned in the captioned title and is impleaded in the Petition as the Respondent since they are the beneficiary of the MOU, signed with Chinese Company for the business expansion in the State of Gujarat i.e. the Respondent No. 1.
7. That Petitioner has not filed any other petition either in this Hon'ble Court of in any other High Court seeking same and similar directions as prayed in this petition.
8. That there is no civil, criminal or revenue litigation, involving petitioner, which has or could have legal nexus, with the issue involved in this petition. It is totally bonafide with purpose of larger public and national interest.

GROUND

- A. BECAUSE the MOU signed by the Respondents with China counterpart or Government of China for trade and business is arbitrary , and against the will and sentiments of the people of India amidst the escalated tensions at border between the two countries which has led to martyrdom of many solders.
- B. BECAUSE the MOU signed by the Respondents with China counterpart or Government of China for trade and business is

against the will of prime minister of India's own policy of Atmanirbhar Bharat.

- C. BECAUSE the MOU signed by the Respondents with China counterpart or Government of China for trade and business is discriminatory in nature when at one hand the Respondent No. 3 had banned almost 59 China mobile application sitting national security reasons. While the Ban on these Mobile App may be a welcome step but on the other hand allowing few select business house or few select state government to enter in to MOU with Chinese Business house or stakeholders from China sends a wrong message to the people of India. This Selective and preferential to these few select business or few select state to enter in to MOU with Chinese Business house or stakeholders from China treatments is not only discriminatory but also against the will and sentiments of the People of India
- D. BECAUSE its need of time to implement uniform trade policy vis-vis Government of China.
- E. BECAUSE security threat and national security policy can not be selectively applied favouring some entity and discriminating others.
- F. BECAUSE the Petitioner does not have any alternative and efficacious remedy for enforcement of his fundamental rights.

PRAYER

It is therefore, most respectfully, prayed that this Hon'ble Court may graciously be please to:

- a. Issue a writ of mandamus or other appropriate writ order or direction directing Respondent's to terminate the MOU Signed with Chinese Government and/or Chinese Companies;

- b. Issue a writ of mandamus or other appropriate writ, order and direction directing the Union of India to make public it's the trade policies with the Government of China in view of the escalated war like situation between the two counties;
- c. Issue such other appropriate writ or direction that may be deemed to be just and equitable in the facts and circumstances of the case and in the interest of justice.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS
IN DUTY BOUND SHALL EVER PRAY.

DRAWN BY:

FILED BY:

**DUSHYANT TIWARI/
(OM PRAKASH PARIHAR)**

Advocates

OM PRAKASH PARIHAR
Advocate-on-record for the Petitioner

NEW DELHI

DRAWN ON: 29.06.2020

FILED ON: 30.06.2020