

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSWRIT PETITION (CIVIL) Diary No(s). 63560/2026

M A BABY

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH

ITEM NO. 803

WRIT PETITION(CRIMINAL) Diary No(s). 63544/2026

Date : 09-10-2026 These petitions were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MRS. JUSTICE V. MOHANAFor Petitioner(s) : Mr. Kapil Sibal, Sr. Adv.
Mr. P.V. Dinesh, Sr. Adv.
Mr. Subhash Chandran K.R., AOR
Mr. Anirudh K.P., Adv.
Ms. Anna Oommen, Adv.
Mr. Fidal Tom, Adv.

Ms. Akriti Chaubey, AOR

Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Gaurav Kumar, Adv.
Mr. Vishal Sinha, Adv.
Mr. Shourya Das Gupta, Adv.
Mr. Vishal Tiwari, Adv.
Mr. Sanjiv Misra, Adv.
Mr. Shailendra Mani Tripathi, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following

O R D E R

Signature Not Verified
Digitally signed by
NITIN TALWAR
Date: 2026.10.09
19:23:55 IST
Reason:

In the midst of hearing of today's matters at about 01:00
p.m., an oral mentioning was made by Mr. Kapil Sibal, Mr. Gopal

Sankaranarayanan, Mr. Hariharan N., Mr. C.U. Singh, learned senior

counsel and Ms. Vrinda Grover, Mr. Prashant Bhushan, and other learned counsel, *inter alia*, pointing out two communications dated 08.10.2026 issued from the office of the Joint Commissioner of Police, Transport Range, New Delhi to the Managing Director of the Delhi Metro Railway Corporation (DMRC) and another communication dated 09.10.2026, which seems to have been issued to all the zonal railways.

2. Furthermore, a copy of the order dated 23.08.2026, issued by the Assistant Commissioner of Police purportedly exercising authority under Section 70 of the Delhi Police Act, 1978, and Section 163 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), which issues certain prohibitory directives, was also referenced.

3. We find from the contents of the aforementioned orders that metro trains and all Mail/Express trains arriving at New Delhi Railway Station and Hazrat Nizamuddin Railway Station have been instructed to cease operations or be cancelled in consideration of the potential risk of unruly mob movements towards sensitive locations. It is also noted that the frequency of metro trains passing through 57 metro stations stands reduced, and their entry and exit gates are to be closed from 9:00 p.m. on October 9, 2026, continuing on 10.10.2026 until the situation normalizes. These prohibitory orders have been made effective from today, that is 09.10.2026.

4. Since the subject orders referred to some proposed protestors at Jantar Mantar, we accorded liberty to the organizers of the protest to submit urgent petitions before this Court, as we were inclined to accord a hearing at 2:00 PM or thereafter.

5. All the learned Senior Counsel, objecting to the cessation of Metro and other rail services, have, however, fairly stated that they do not represent the proposed protesters or the organizers of the said protest. No other petition for or on their behalf has been filed before us.

6. In light of the foregoing, the principal issue for our consideration is whether the absolute prohibition on the movement of Metro trains at Metro stations, as well as the movement of trains from New Delhi and Hazrat Nizamuddin Railway Stations, warrants reconsideration.

7. It appears that the notifications are overreaching, as they impose a complete ban upon essential public transportation. Upon our indication that a distinction exists between total 'prohibition' and the 'regulation' of Metro and other train movements, learned Solicitor General of India has fairly agreed to impress upon the authorities to reassess such prohibitions. Consequently, they will permit the operation of Metro trains and other rail services in such a regulated manner, that no inconvenience is caused to the residents and general public of Delhi, while adhering to the principles of proportionality.

8. Regarding that assurance, we clarify that although there shall be no outright prohibition on the movement of Metro trains, a prudent decision may be made to permit the operation of Metro trains and other rail services in a suitable and regulated manner. Such a decision should be widely publicised to prevent further inconvenience.

9. In this vein, a traffic advisory shall also be published in

respect of smooth movement of vehicles in newspapers and on online platforms to ensure that no hardship or inconvenience is caused to the public in the course of traveling within the city. The order will be issued today to ensure that the decision receives publicity and that there is ample clarity on the prevailing circumstances.

10. During the course of hearing, it was suggested, and learned senior counsel and counsel for the parties were *ad idem*, that it is high time basic amenities were provided to those engaged in peaceful and lawful protest. To that end, suitable alternative sites capable of housing such infrastructure need to be identified and designated. Let the Competent Authority consider this suggestion and take an appropriate decision thereon.

11. Let a compliance report be filed by the Delhi Metro Rail Corporation, the requisite Railway authorities and Delhi Police (Traffic) in this regard within four days.

12. Ordered accordingly.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
DY. REGISTRAR