



ADV. MANGESH DONGRE

ADVOCATE HIGH COURT

Office No. 2 & 3, Kothari House, 5/7 Oak Lane, A. R. Allana Marg,
Near Burma Burma Restaurant, Fort, Mumbai - 400 023.

Mob. No. [REDACTED]

Email: mangeshdongre4@gmail.com

Date: 09.12.2021

To,

1. Shri. Debashish Chakrabarty,
Chief Secretary,
Government of Maharashtra
(Respondent No. 1)

Office Main Building, Mantralaya,
6th Floor, Madame Cama Road,
Mumbai – 400 032.

2. Shri Iqbal Chahal
Municipal Commissioner
(Respondent No. 5),
M.C.G.M. Annex Building,
Mahapalika Marg No. 1,
Fort, Mumbai – 400001.
Email: mc@mcgm.gov.in

3. Shri Suresh Kakani
Addl. Municipal Commissioner
(Respondent No. 6)
M.C.G.M. Annex Building,
Mahapalika Marg No. 1,
Fort, Mumbai – 400001.
Email: amc.ws@mcgm.gov.in

4. Shri. Sunil Chavan
District Collector,
(Respondent No. 4)
Alamgir Colony, Maulana Azad

Research Centre Rd,
Collector Office Campus,
Aurangabad, Maharashtra 431 003.
Email: collector.aurangabad@maharashtra.gov.in

Ref: (i) IN THE SUPREME COURT OF INDIA

W.P. (Cri.) (P.A.) No. 21712 of 2021.

Ambar Koiri ...Petitioner

Vs.

State of Maharashtra through

Chief Secretary & Ors. ...Respondent

(ii) Law laid down by Full Bench of Hon'ble Supreme Court in the case of;

(i) S. Abdul Karim (1976) 1 SCC 975 .

(ii) Ashok Khot (2006) 5 SCC 1.

(iii) Legrand Pvt. Ltd. 2007 (6) Mh. LJ. 146.

Sub: Forthwith stopping the contempt of Hon'ble Supreme Court and the also the various offences under IPC regarding violation fundamental rights of the people and also the offences under section 51(b), 55 of Disaster Management Act, 2005, by bringing mask & vaccine mandates when Central Government in its affidavit dated 29.11.2021 made it clear that there can be no discrimination of the unvaccinated people as vaccination is voluntary. Further the Central Government also made it clear that wearing the mask is voluntary and the healthy people should not wear

the mask as there is no proof that mask have any effectiveness in preventing infection.

Under the authorization and instructions given by my client **Shri. Ambar H.**

I undersigned serve this notice upon you under;

1. That as per the policy formulated by the Central Government and law laid down by Hon'ble Supreme Court, Gauhati, Meghalaya, and Manipur High Court, you cannot make any rules which discriminate any person on the basis of his vaccination status.
2. Central Government made this stand clear in their affidavit dated 29.11.2021 filed before Supreme Court & dated 08.10.2021 filed before Hon'ble Bombay High Court at Goa.
3. But You Noticee have time and again violated the said rules and brought unlawful and arbitrary mask & vaccine mandates and thereby committed offences under;
 - (i) Contempt of Courts Act, 1971.
 - (ii) Section 166, 120(B), 34, 115, 511 etc. of IPC.
 - (iii) Section 51(b), 55 of Disaster Management Act, 2005.
4. Because of your arbitrary and unlawful vaccine mandate the life and liberty of the citizen was put to danger. Many people lost their life. Many suffered injury causing lifelong damages and disabilities. A case for offences of murder, cheating and misappropriation of public fund is already filed by Smt. Kiran Yadav (Kadwe), mother of deceased Shri. Hitesh Kadwe (Aged-23 Years Old) against you noticee no. 2, 3 & Shri. Sitaram Kunte, Ex. Chief Secretary. Said Smt. Kiran Yadav also filed a Writ Petition before Hon'ble Bombay High Court bearing **W.P. No. 18017 of 2021.**

Prayers of the said Petition reads thus;

- “i) C.B.I. be directed to treat this petition as F.I.R. and prosecute the offender as done by Hon’ble Supreme Court in the case of Noida Entrepreneurs Association Vs. Noida (2011) 6 SCC 508 and followed by this Hon’ble Court in the matter between Param Bir Singh v. State of Maharashtra, 2021 SCC OnLine Bom 516.*
- ii) C.B.I. be further directed to immediately start custodial interrogation of the accused and take use of scientific tests like Lie Detector Test, Brain Mapping Test and Narco Analysis Test to unearth the complete conspiracy and to save the life of Indian Citizen;*
- iii) Direction to Respondent No. 1 i.e. State of Maharashtra to pay an interim compensation of Rs. 100 crores to the Petitioner forthwith and then to recover it from the guilty officials responsible for death of the Petitioners citizen by their deliberate and unlawful act of commission and omission.*
- iii) Any other order which this Hon’ble Court deems fit and proper in the facts and circumstances of the case.”*
5. But you noticee have no respect for law and no concern for life and liberty of the citizen. Therefore you are day by day continuing with your unlawful activities.
6. That in **W.P.(C) No. 607 of 2021** between **Jacob Pulliyal Vs. Union of India**, the malafides of state authorities including state of Maharashtra

bringing unlawful Vaccine mandate came for Consideration and Hon'ble Supreme Court asked the Counsel for Petitioner to add the states as party respondent.

Hon'ble Supreme Court made it clear that if the state's vaccine mandates are violating fundamental rights of the citizen, then, the Supreme Court will definitely intervene.

The news published in 'Live Law' titled as **"If Vaccine Mandates Are Not Proportionate To Personal Liberty, We Will Go Into It Supreme Court tells Central Government"** A copy of said article is annexed herewith;

Link:- <https://www.livelaw.in/top-stories/supreme-court-covid-19-vaccination-mandates-imposed-implead-states-186563?infinitemscroll=1>

7. That the said Petitioner Shri. Jacob Puliyel vide their Application dated **1.12.2021** asked for quashing of the vaccine mandate dated **27.11.2021** issued by the Chief Secretary, Maharashtra State.
8. That my Client Mr. Ambar Koiri has also filed a **W.P. (Cri) (P.A.) No. 21712 of 2021.**

A copy of the said Writ Petition is Annexed herewith as an by way of service upon you.

9. That the prayer's in the said Writ Petition reads thus;

"a. To tag this petition with W.P. (C) No. 607 of 2021 (Dr. Jacob Puliyel Vs. Union of India)

b. To issue any other appropriate, writ, order, direction thereby striking down the impugned SOP & order dated 27.11.2021 (Annexure P-1) and any other notifications in so far as they discriminate with the people

on account of their not being vaccinated, holding that the same are violative of Article 14, 19 and Article 21 of the Constitution of India.

c. Direct the Respondent No. 2 i.e. Union of India to take appropriate action under section 51(b), 55, 56 etc. of the Disaster Management Act, 2005 and section 166, 188, 120(B) etc. of Indian Penal Code against the persons/officers of state of Maharashtra who are responsible for acting in utter disregard and defiance of the lawful directions of Central Government, Constitution of India and involved in violating the fundamental rights of the citizen by bringing unlawful & arbitrary vaccine mandates.

d. Appropriate directions to Respondent's authorities as per Section 2 of Epidemic Act, 1897 & Section 12 & 13 of Disaster Management Act, 2005 for providing the compensation to the petitioner and/or any other person who are victim of arbitrary, unlawful, illegal and discriminatory conduct of Respondent No. 1 i.e. State of Maharashtra.

e. Ad-interim and/or interim relief in terms of prayer clause (c) above may kindly be granted.

f. To pass any other order which this Hon'ble Court may deem to be just, fair and reasonable."

- 10.** That the matter is fixed for hearing before Hon'ble Supreme Court on **13.12.2021**.

11. That, Full Bench of Hon'ble Supreme Court in the case of **S. Abdul Karim Vs. M. K. Prakash AIR 1976 SC 859**, ruled that, **when the matter is subjudice before Hon'ble Supreme court, then the proper course to be adopted by you is to wait for the outcome of the decision by Hon'ble supreme court. If any undue haste is shown to frustrate the rights of the Petitioner then it will amount to Contempt of Court.**
12. In the case of **T.N. Godavarman Thirumulpad (102) v. Ashok Khot, (2006) 5 SCC 1**, Hon'ble Supreme Court sentenced the then Chief Secretary Shri. Ashok Khot & Forest Minister Shri. Swaroopsingh Naik, and sent them jail for 1 month. This punishment was for acting in utter disregard and defiance of the Supreme Court guidelines.
13. That Hon'ble Bombay High Court in the case of **Kishore Rajput Vs. Preeti Rajput 2007(3) Bom CR.279**, had laid down the same ratio.
14. You are therefore called upon to forthwith stop the unlawful mandates of vaccine and mask and respect the rule of law and not to act arbitrarily.
15. If we fail to get immediate written reply within 2 days from the receipt of this notice by you notice, I have clear instructions to initiate appropriate legal action against you noticees no. 1, 2 & 3.

In that case you will be personally responsible for the cost and consequences.

Sincerely



Adv. Mangesh B. Dongre