

In Residence

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 564 of 2020

Petitioner :- In Re

Respondent :- State of U.P.

Counsel for Petitioner :- Suo Moto, Ashutosh Upadhyay, S.M. Faraz I. Kazmi

Hon'ble Sanjay Yadav, Acting Chief Justice

Hon'ble Prakash Padia, J.

In the wake of recent upsurge of pandemic Covid-19, affecting one and all in the State of Uttar Pradesh, consequence whereof the courts at all levels are working with reduced capacity, has necessitated the recalling of order dated 05.01.2021; whereby, the present Public Interest Litigation was disposed of finally for the reason which find mention in the said order.

Therefore, in the present scenario we deem it appropriate and in larger interest of public, to recall the order dated 05.01.2021 and restore this present public interest litigation. And while invoking extra ordinary power under Article 226 of the Constitution and inherent power of superintendence under Article 227 of the Constitution and the inherent powers of superintendence over criminal matter under section 482 of the Code of Criminal Procedure, 1973 and inherent power in civil matters under Section 151 of the Code of Civil Procedure, 1908, we issue the following directions:

- 1) That all interim orders passed by the High Court of Judicature at Allahabad as well as at Lucknow, all the District Courts, Civil Courts, Family Courts, Labour Courts, Industrial Tribunals and all other Tribunals or Quasi-Judicial forums in the State of Uttar Pradesh over which this Court has power of superintendence which were subsisting on 15.03.2021 shall stand extended till 31.05.2021.
- 2) That the interim orders or directions of this Court or any court subordinate to this Court in the State of Uttar Pradesh which are meant to operate till further orders shall continue to remain in force until modified by specific order of the court concerned.
- 3) It is further directed that the criminal courts in the State of Uttar Pradesh which granted bail orders or anticipatory bail for a limited period, which are likely to expire, on or before 31.05.2021 shall stand extended for a period till that date i.e. 31.05.2021.
- 4) That any orders of eviction, dispossession or demolition, already passed by the High Court, District Court or Civil Court, if not executed till the date of passing of this order shall remain in abeyance for the period till 31.05.2021.
- 5) That the State Government, Municipal Authorities, other Local Bodies and agencies and instrumentalities of the State Government shall be slow in taking action of demolition and eviction of persons till 31.05.2021.
- 6) It is further directed that any Bank or Financial Institution shall not take any action for auction in respect of any property or an institute or person

or party or any body corporate till 31.05.2021.

It is however made clear that in case of extension of interim orders as per the present order, any undue hardship and prejudice of any extreme nature is caused to any of the party to such proceedings, the said party/parties would be at liberty to seek appropriate relief by moving appropriate application before the competent court, tribunal, judicial or quasi-judicial forum and the general direction issued by this order shall not be an embargo in considering such application and deciding the same after affording an opportunity of hearing to all the parties to said lis. Needless to say, the State and its functionaries will also be at liberty to file appropriate application in respect of particular case for necessary directions.

The Registry is directed to upload this order on official website of the Court and District Courts, Tribunals, Judicial and Quasi-Judicial Authorities of State of Uttar Pradesh over which this Court has power of superintendence, office of the learned Additional Solicitor General, learned Advocate General, Chairman of the Uttar Pradesh State Bar Council, all the respective Bar Associations and Special Public Prosecutor.

The Registry is also directed to give wide publicity to this order through Print and electronic media having wide circulation in the State so that the litigants may know about the order and do not rush to court for different relief (covered by these directions).

List the matter on **31.05.2021**.

Order Date :- 24.4.2021

Kirti

(Prakash Padia, J)

(Sanjay Yadav, ACJ)