

**Court No. - 30**

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**Case :- APPLICATION U/S 482 No. - 16310 of 2020**

**Applicant :-** Hasae @ Hasana Wae And 11 Others

**Opposite Party :-** State of U.P. and Another

**Counsel for Applicant :-** Adeel Ahmad Khan

**Counsel for Opposite Party :-** G.A.

**Hon'ble Ajay Bhanot,J.**

On 15.07.2021 the following order was passed:

A typographical error was brought to the notice of this Court in the order dated 15.07.2021. The Correct order shall read as under:

"Sri Vinod Kant, learned Additional Advocate General for the State fairly admits to the disjointed nature of the pleadings and haphazard manner of appending the documents in the counter affidavit filed on behalf of the State. He seeks further time to file a better affidavit.

Considering the fact that indulgence has already been granted to the State side on several occasions and also looking to the orders passed by the Supreme Court, it is directed that this matter be listed peremptorily on 28.07.2021 at 2 P.M.

In case the State fails to produce the affidavit as directed by this Court, the proceedings shall begin in absence of such affidavit and appropriate orders will also be passed.

The cause shown for the absence of the Superintendent of Police, Shahjahanpur is sufficient. The presence of the Superintendent of Police, Shahjahanpur, is exempted, unless ordered otherwise by the Court.

It is noticed from the affidavit filed on behalf of the police authorities that the failure to file an affidavit in time was on account of negligence shown by the counsels for the State. The concerned counsels for the State had apparently not informed the police authorities about the order passed by this Court. Counsels for the State were present before the Court when the order was passed on

08.06.2021. On account of the aforesaid gross negligence on part of the counsels, the high ranking police officials had to be summoned for no fault of theirs.

The Court has taken a serious view of the matter since the controversy relates to personal liberties and also request of the Supreme Court to decide the matter in a stipulated time frame. Whether the said commissions and omissions happened out of deliberate motives, or an instance of plain callousness needs to be investigated. In both cases such conduct derogates personal liberties of individuals and in this case also created an impediment in the commencement of hearing of the matter.

The L.R., Government of U.P. is directed to ensure that an enquiry is caused to be conducted in the matter and appropriate action is taken against the erring individuals."

Shri Vibhav Anand, learned AGA was present in the Court on 08.06.2021 and on 05.07.2021 when the orders were passed. He is one of the counsels who is responsible for misleading this Court which led to high ranking police officials being summoned for no fault of their. Today when the matter was taken up, Shri Vibhav Anand, learned counsel claims to represent the State and that he is assisting Shri Vinod Kant, learned Additional Advocate General in this case before the Court. Shri Vinod Kant, learned Additional Advocate General does not deny this fact.

Apparently the orders passed by this Court are not being taken seriously. The administration of the office of Government Advocate has to run on principles of accountability and not appeasement. This state of affairs cannot be permitted. This Court is most reluctant to

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summon any officials. However, on the face of the record when the Court finds that Court's orders are being treated with utmost disregard by the State officials and the State counsels cannot account for the same, there is no option but to call the officials in person. It is unclear why the State officials are dragging their feet in the matter.

I am not satisfied with the action taken by the Legal Remembrancer, State of U.P. in the matter.

Legal Remembrancer, State of U.P. to show cause regarding the failure on his part to comply with the orders passed by this Court.

Legal Remembrancer, State of U.P. to appear in person before this Court on 02.08.2021.

Put up this case on 02.08.2021 in the additional cause list.

**Order Date :-** 28.7.2021  
Dhananjai