

Court No. - 10

Case :- CONTEMPT APPLICATION (CIVIL) No. - 355 of 2022

Applicant :- Om Prakash

Opposite Party :- Shakti Singh, Tehsildar

Counsel for Applicant :- Radhey Raman Mishra

Hon'ble Rohit Ranjan Agarwal,J.

This is a case where the order-sheet filed along with contempt application reveals that the lawyers are continuously abstaining from work on every date since 05.02.2020 till 05.01.2022. Not even on a single occasion, the lawyers in Tehsil- Budhanpur, District- Azamgarh had permitted the court to proceed and perform judicial work.

The present contempt application has been filed at the behest of the applicant for initiating contempt against opposite party for not complying the order of the writ Court dated 10.01.2020.

This Court finds that no proceedings for contempt can be initiated against opposite party as he is not at fault due to the fact that lawyers at Tehsil- Budhanpur are not permitting the court to function properly.

The Hon'ble Supreme Court has constantly held the strikes by lawyers to be illegal and had directed that the judicial work cannot be stopped and hampered at the instance of the lawyers.

This Court finds that where mandamus is issued for concluding the proceedings under the U.P. Revenue Code expeditiously by writ Court, the orders could not be

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complied with, due to the fact that the lawyers practising mostly in tehsils are not permitting the court to function regularly and smoothly.

I am left with no option but to direct the U.P. Bar Council to take disciplinary action against striking lawyers at Tehsil- Budhanpur, Azamgarh so that the judicial work is not hampered and the directions issued by this Court are complied with within time.

Looking to the facts and circumstances of the case, the opposite party is directed to make every endeavour to comply the order of writ Court dated 10.01.2020 within next four months, and in case the lawyers are on strike, the applicant shall be heard in person and if any hindrance is caused by striking lawyers then the help of police force be taken by officer concerned.

Registrar (Compliance) shall send a copy of this order to U.P. Bar Council for necessary compliance and action against Bar Association and striking lawyers at Tehsil- Budhanpur, District- Azamgarh.

With the above observations, contempt application stands disposed of.

Order Date :- 14.2.2022
V.S.Singh