

Court No. - 34

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2436 of 2019

Petitioner :- In Re Suo Moto Relating To Security And Protection In All Court Campuses In The State Of U.P.

Respondent :- State of U.P.

Counsel for Petitioner :- Suo Moto

Counsel for Respondent :- Vivek Mishra, Anand Kumar Singh, Ashish Mishra, Bhuvnesh Kumar Singh, Krishna Mohan Garg, M.J. Akhtar, Mohd. Farooq, Siddhartha Srivastava, Swetashwa Agarwal

Hon'ble Sudhir Agarwal, J.

Hon'ble Suneet Kumar, J.

1. Heard Sri V.M. Zaidi, learned Senior Advocate, representing Advocate Association of Bijnor Judgeship, Sri Ashish Mishra, Advocate appearing for Court and Sri Manish Goyal, Additional Advocate General, assisted by Sri Syed Ali Murtaza, Additional Advocate General and Ms. Akansha Sharma, learned Standing Counsel for State.

2. In respect of District Judgeship Ghaziabad, Lucknow and Farrukhabad, Sri Ashish Mishra, Advocate, stated that as per latest information, matter has been resolved amicably with the Advocates and now there is no problem, hence, we are not taking any further action in the matter.

3. In respect of District Judgeship Bijnor, a report has been submitted that some Advocates have caused demolition of wall/Gate No.-3 on 13.02.2020 and after viewing C.C.T.V. Footage, names of Ramendra Singh, Shiv Kumar Gahlaut and Peetambar Singh, Advocates have been identified by District Judge. He has also stated that other Advocates involved could not be identified. We, therefore, issue notice to aforesaid three Advocates, namely, Ramendra Singh, Shiv Kumar Gahlaut and Peetambar Singh, as to why they should not be punished for committing criminal contempt as defined under Section 2(C) of Contempt of Court Act, 1971 (hereinafter referred to as "Act, 1971") punishable under Section 12 of Act, 1971. They shall

submit their reply and appear in person before this Court on 20.03.2020.

4. The above notice shall be served upon above Advocates through Chief Judicial Magistrate concerned and he shall submit service report within ten days.

5. We also require President and Secretary of Bar Association, Bijnor to remain present before this Court on 20.03.2020 to assist the Court in identification of other Advocates, who could not be identified by District Judge in C.C.T.V. Footage, for taking appropriate action against them.

6. Sri Manish Goyal, learned Additional Advocate General, stated that as per this Court's order dated 28.01.2020, directions contained in para-14 are being complied with and matter has been resolved between the parties on 11.02.2020. Authorities are now proceeding in the manner, the things have been resolved and settled amongst themselves. Compliance report with regard to execution shall be submitted by 20.03.2020.

7. Sri Ashish Mishra, Advocate appearing for High Court also submitted a report received from District Judge, Sitapur where issue no.3 has been pressed before us which shows that some land of District Judgeship is in possession of Advocates Association and they had to vacate the same having lost litigation but the same has not been vacated. However, from the report placed before this Court, we do not find as to what effective action has been taken by District Judge, Sitapur in respect of vacation of aforesaid land. We direct him to take all appropriate steps and, if necessary, he will also take assistance of Police and get possession of aforesaid land within two weeks and submit compliance report on 20.03.2020.

8. Further with regard to preparation of Advocates Roll, various District Judgeships have submitted report and in most places it is said that preparation of Advocates Roll has been completed or it is near

completion. In other Judgeships it is in the process. We, therefore, direct all the Courts not to entertain any appearance of Advocates through Vakalatnama etc. without number of "Advocate Roll", wherever Advocates Roll have been completed, on and after 20.03.2020 and a notice to this effect shall be communicated to Bar Associations of concerned District Judgeships forthwith.

9. Further where Advocates Rolls have not been completed, the same shall be completed as per the time given by this Court and in those District Judgeships also, on and after 01.04.2020, appearance of Advocates through Vakalatnama etc. shall not be accepted or entertained by any Court, until Advocate Rolls' number is mentioned thereon. If any Advocate outside the District is appearing, his appearance shall be subject to the condition that a local Advocate having number of Advocate's Roll is appearing and his Advocate Roll shall be mentioned in the appearance slip or Vakalatnama, as the case may be.

10. Further with regard to registration of Clerks, besides those who are already registered, steps will be taken to get all the Clerks registered with the concerned Advocates. Clerks List shall be completed accordingly. For this purpose also, Clerks may be given a months' time to get themselves registered with concerned Advocates and thereafter for inclusion of their names in the Roll of Clerks, so that unregistered Clerks and those who are not on the Roll of Clerks are not allowed to enter in the Court campus on and after 15.04.2020.

11. We have also noticed that in this Court itself, many Registry Staff/personnel are not wearing uniform despite repeated orders passed in this regard. Registrar General shall submit an explanation to this effect and ensure that in no case, on and after 16.03.2020, any member of Staff of Registry is allowed to remain present in Court campus unless he/she wears uniform and also displays identity card.

12. In continuation of our earlier order dated 27.02.2020, list this

matter on 20.03.2020 after Lunch.

13. Registrar General is directed to communicate this order to all District Judgeships within two days and all District Judges shall put this order on Notice Board and also communicate concerned recognized Advocates Associations in the concerned District Judgeship for information to all Advocates and other concerned parties.

14. Substance of this order with regard to enrollment of Advocates on Roll and their appearance conditions as also with respect to registration of Clerks shall also be published in two daily newspapers, one in Hindi and one in English, having wide circulation in the State, within three days, by Registrar General.

Order Date :- 03.03.2020

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