

Court No. - 9

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Case :- P.I.L. CRIMINAL No. - 2502 of 2021

Petitioner :- Arundhati Dhuru

Respondent :- State Of U.P. Thru. Home. Deptt. Lko & Others

Counsel for Petitioner :- Ishan Baghel, Veena Vijayan Rajes

Counsel for Respondent :- C.S.C.

Hon'ble Ramesh Sinha, J.

Hon'ble Rajeev Singh, J.

Heard Sri Ishan Bagehl and Veena Vijyan Rajes, learned counsels for the petitioner and Sri V.K. Shahi, learned Additional Advocate General assisted by Anurag Verma, learned A.G.A.

The present petition is filed by the petitioner for the following prayers:-

(1) Issue a writ, order or direction in the nature of certiorari to quash the notices of various Sub-Divisional Magistrates (SDM), functioning under the District Magistrate, Sitapur under Section 111 of Cr.P.C. on the basis of Police report that police suspect that such person may get involved in the ongoing farmers protest and may at any time commit breach of public peace and tranquility.

(2) Issue a writ, order or direction in the nature of mandamus directing the opposite party to discharge all personal bonds submitted with regard to the notices issued by various Sub-Divisional Magistrate (SDM) under Section 111 of Cr.P.C.

(3) Issue a writ, order or direction in the nature of mandamus directing the opposite party to place on record the names, addresses and other details of persons to whom such notices have been sent in the State of Uttar Pradesh.

(4) Issue a writ, order or direction in the nature of mandamus directing the opposite party to withdraw the notices issued by

various Sub-Divisional Magistrate (SDM) under Section 111 of Cr.P.C. on the basis of police report that the police suspect that such person may get involved in the ongoing farmers protest and may at any time commit breach of public peace and tranquility.

On 25.01.2021, this Court passed an order which is reproduced hereasunder:-

"Today, when the Court assembled in the morning session, a mention was made by Ms. Veena Rajes, learned Counsel for taking up the matter today because it is urgent matter as orders have been passed by the District Administration of Sitapur against the farmers, who are the tractor owners, causing financial hardship to them and not allowed to move freely from their dwelling place.

In view of the above, we granted permission and directed the Registry to place the matter today. Accordingly, the Registry has sent the instant petition today.

Heard Shri I.B. Singh, learned Senior Counsel assisted by Ms. Veena Rajes, learned Counsel for the petitioner and Sri Anurag Verma, learned AGA holding brief of Sri Vinod Kumar Shahi, learned Additional Advocate General for the State/respondents.

The petitioner, who is said to be an independent researcher and social activist as well as worked as advisor to the Uttar Pradesh Government and Commissioners Officer on appointment by the Apex Court in the food case, has come up before this Court raising the plight of the farmers, who are tractor owner, of District Sitapur and has stated that several orders have been passed by Sub-Divisional Magistrates of the different areas of District Sitapur, who are working under the respondent no.2-District Magistrate, Sitapur, whereby notices have been issued on 19.01.2021 and subsequent dates to the farmers including lady farmers of District Sitapur under Section 111 of the Code of Criminal Procedure, calling upon them to furnish personal bond of Rs.50 Thousands to 10 Lacs and two sureties in the like amount on apprehension that he/she would violate the law and order in the light of the ensuing farmers protest in the district.

Learned Senior Counsel appearing on behalf of the petitioner has submitted that notices issued by the State authorities are not only baseless but also take away the fundamental rights of a person as farmers are not allowed to come out from their houses as the police have surrounded their houses. He also submitted that the amount of personal bond and sureties, which have been sought by way of the notices, is exorbitant amount and such exorbitant amount cannot be sought from poor farmers and that too merely on the basis of the report of the local police personnel and without providing any opportunity of hearing to such farmers.

Considering the averments made in the present writ petition and notices, which have been issued to the farmers, who are the tractor owner, we deem it appropriate to call instructions from the State authorities as to

under what circumstances such an exorbitant amount of personal bond and two sureties have been asked to furnish to them.

Accordingly, we direct the learned Additional Advocate General Shri Vinod Kumar Shahi to fetch instructions in the matter from the respondent no.2-District Magistrate, Sitapur.

Let the matter be listed on 02.02.2021."

Today, Sri V.K. Shahi, learned Additional Advocate General for the State of U.P. has informed the Court that notices were issued to 162 persons for executing the bond of Rs.10 lacs and two sureties of the like amount out of which 43 persons have appeared in the matter and on the basis of fresh challani report, the proceeding against all the persons have been dropped, as there is no further apprehension to breach of peace or disturbance of public tranquility.

When a query was made from Sri V.K. Shahi, learned Additional Advocate General for the reason for issuing notice for filing personal bond and two sureties, he could not justify the act of the Sub-Divisional Magistrates (SDM) of various divisions working under the District Magistrate, Sitapur-respondent No.2 calling upon through the impugned notice the farmers owing tractors for furnishing personal bond and two sureties of such executed amount and only stated now the proceedings against all the persons in District Sitapur has been dropped by the SDMs working under the District Magistrate-respondent No.2, in view of the fresh challani report, this Court may consider to the said fact and the matter be disposed of and he further assured that he shall instruct the District Magistrate Sitapur-respondent No.2 to be careful in future while any such proceedings are initiated so that no unnecessary harassment is caused to any person and further to instruct the SDMs working under him.

Thus, in view of the above statement made by learned Additional Advocate General, Sri Sahi we hope and trust that the respondent No.2-District Magistrate Sitapur and the SDMs

working under him shall be cautious in passing orders in any proceedings of such a nature calling upon the persons to execute personal bond and sureties and their orders, act and conduct should not be such which reflects arbitrariness and against the principles of natural justice.

With the aforesaid observations, the present petition stands disposed of.

(Rajeev Singh, J.) (Ramesh Sinha, J.)

Order Date :- 2.2.2021

Amit/-