

ITEM NO.10 COURT NO.13 SECTION X
 S U P R E M E C O U R T O F I N D I A
 RECORD OF PROCEEDINGS

Miscellaneous Application No. 859/2020 in SLP(C) No. 5440/2020

(Arising out of impugned final judgment and order dated 28-02-2020
 in SLP(C) No. No. 5440/2020 passed by the Supreme Court Of India)

DISTRICT BAR ASSOCIATION DEHRADUN Petitioner(s)

VERSUS

ISHWAR SHANDILYA & ORS. Respondent(s)

(MR. MANAN KUMAR MISHRA, LEARNED SENIOR COUNSEL TO RENDER
 ASSISTANCE TO THIS COURT IN HIS CAPACITY AS CHAIRPERSON OF THE BAR
 COUNCIL OF INDIA)

Date : 16-11-2021 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
 HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Mr. Abhishek Gupta, Adv.
 Mr. Ajai Kumar Bhatia, AOR

For Respondent(s) Mr. S. N. Bhat, AOR
 Ms. Ritu Reniwal, Adv.
 Mr. Sanjay Rastogi, AOR

UPON hearing the counsel the Court made the following
 O R D E R

Despite the fact that the Office-bearers of the Bar Association, who are alleged to be in contempt are served long back and earlier also the matter was adjourned at their instance, it is very unfortunate that no counter has been filed till date.

Pursuant to the earlier order passed by this Court, the Registrar General of the Rajasthan High Court, Jodhpur Bench has submitted a detailed Report. If the contents of the report are seen, it is shocking. The Report reads as under:-

"On 27.09.2021, a fresh Criminal Writ Petition was filed in Rajasthan High Court, Jaipur Bench by Shri Ravindra Kumar Paliwal, Advocate through his advocate Amit Jindal Advocate which was related to alleged dispute of Shri Paliwal with his neighbour. On behalf of the petitioner, oral request was made

in the Court of Hon'ble Mr. Justice Satish Kumar Sharma to list this case on the same day i.e. on 27.09.2021. On this request, the Hon'ble Judge directed the matter to be taken up as first case on 28.09.2021 but the learned Advocate continued to forcefully insist for listing of the case on the same day and some other Advocates also joined this demand and started protesting by raising slogans.

On 27.09.2021, Hon'ble the Chief Justice of Rajasthan High Court was on leave. The High Court administration brought this matter to the notice of Hon'ble the Chief Justice whereupon the case was marked to some other Hon'ble Judge and the matter was taken up on the same day and order was also passed. Copy of Cause List and order passed in the case are attached herewith as Annexure- 1 & 2.

Though the case was taken up on the same day and order was also passed, the Rajasthan High Court Bar Association passed a resolution in the evening of 27.09.2021 to boycott the court of Hon'ble Mr. Justice Satish Kumar Sharma till his roster is not changed. Copy of resolution of Bar Association is attached herewith as Annexure-3.

To remove the above impasse, a meeting of Hon'ble the Chief Justice and all Hon'ble Judges of Jaipur Bench was held on 28.09.2021 at 10.30 am. After discussing the matter, the office bearers of the High Court Bar Association were invited in the meeting at 11.30 am. The meeting of Hon'ble the Chief Justice and all Hon'ble Judges of Jaipur Bench with office bearers of the Bar Association continued till 12.30 pm. During this meeting, the High Court Bar Association made a request to constitute a committee of Hon'ble Judges to discuss the matter. On this request, the office bearers of the Association were asked to withdraw the resolution of boycott and thereafter their request will be considered. The office bearers of the Association asked for 15 minutes time. Till 1.00 pm when the office bearers did not turn up, the matter was again discussed by Hon'ble the Chief Justice and Hon'ble Judges during lunch and a Committee of 6 Hon'ble Judges was constituted to discuss the matter with the High Court Bar Association to resolve the issue. Copy of order for constitution of above committee is attached herewith as Annexure-4.

After above meeting, all the Hon'ble Courts functioned in post lunch session from 2.00 pm and hearing of all the matters was conducted as usual.

The court of Hon'ble Mr. Justice Satish Kumar Sharma also had sitting in post lunch session but the office bearers of Bar Association and other Advocates assembled there and asked fellow Advocates to come out of the Court Room. On receiving the information that Advocates are raising slogans outside the court room of Hon'ble Mr. Justice Satish Kumar Sharma, the Registrar (Admn.) immediately went to the court room and found that the Advocates have shut down the door of the court room and found that the Advocates have shut down the door of the court room and were not allowing anybody to enter the court room. The Registrar (Admn.) anyhow entered the court and found Hon'ble Justice Satish Kumar Sharma sitting in the court room but no advocate was there. All Courts except the Court of Hon'ble Mr. Justice Satish Kumar Sharma functioned normally. However, some media reports have wrongly reported that Hon'ble Courts did not function or stopped working due to this issue. Rajasthan High Court administration also issued Press Note in this regard which is attached herewith as Anneuxre-5.

The meeting of the above Committee of 6 Hon'ble Judges with the office bearers of Bar Association was convened on 29.09.2021 at 09.00 am which concluded on a positive note and thereafter, the Bar Association has withdrawn its earlier resolution of boycott of the court of Hon'ble Mr. Justice Satish Kumar Sharma. Copy of resolution of Bar Association is attached herewith as Annexure-6. Since this resolution, learned Advocates are regularly appearing in the court of Hon'ble Mr. Justice Satish Kumar Sharma.

The factual report is submitted for kind consideration."

As observed herein above, even there is no response in writing by the Office Bearers of the Bar Association. It appears *prima facie* that the Bar Association has not taken the matter very seriously. Still we give one chance to them.

Put up tomorrow i.e. 17.11.2021.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
BRANCH OFFICER