

Court No. - 42

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Case :- WRIT - C No. - 17927 of 2021

Petitioner :- Prafull Kumar

Respondent :- State Of U.P And Another

Counsel for Petitioner :- Vijay Kumar Mishra,Rajeev Singh

Hon'ble Vivek Kumar Birla,J.

Heard learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

Present writ petition has been filed seeking a direction to the respondent no. 2, the Commissioner, Allahabad Division, Allahabad to decide Appeal No. 509 of 2014, (Computerized No. 2014020000509, Prafull Kumar Vs. State of U.P. through the District Magistrate, Allahabad within a specific period as fixed by this Court.

The appeal is pending since 2014.

A perusal of the order-sheet right from the year 2014 reflects that except on few dates almost throughout the lawyers were abstaining from work. Once the appeal was dismissed for want of prosecution also. It is also pertinent to note that in fact, the lawyers are so regularly abstaining from work that a rubber stamp is being used on the order-sheet that the lawyers are abstaining from work. This position is continuing since the year 2014 itself till date except the period during which the Court was not functioning due to Covid-19 Pandemic.

Almost everyday large number of petitions are coming before this Court with similar prayers that proceedings may be decided within a time bound period and in most of the cases order sheet of the case reflects the same state of affairs with only very few exception.

This speaks a lot about sorry states of affairs in the courts below, particularly on revenue side.

Under such circumstances, this Court refuses to grant the relief as prayed for in this writ petition. Lawyers cannot take working of the Court for granted as on one hand, obviously the lawyers must have charged their professional fee and thereafter, they are abstaining from work and on the other hand, they are seeking a direction to the Court concerned to decide the case within a

specific period. It is a sheer wastage of time of the Court concern and ultimately of resources, financial or otherwise, of the litigants as well of the tax payers, as daily cost of running a Court is huge but is not serving any purpose, neither of the litigants nor of the society at large. Further, again on one hand, lawyers are not working, on the other hand, if such directions and/or mandamus is issued, the Court/Authority is put under the threat of Contempt of Court, if case is not decided. This again generate litigation creating unnecessary burden on the Court. Again the big question mark is there, for whose benefit? May be the same lawyer who is abstaining from work is generating this litigation, which in fact, is not serving as substantial counsel of the litigant or of the society at large.

This writ petition, accordingly, stands dismissed.

Learned Standing Counsel as well as the Registry of this Court is directed to sent a copy of this order to the concerned Bar Association within a period of 15 days from today so that the Bar Association and learned members of the concerned Bar Association may be sensitized about the working of the court and plight of the litigants from whom they have charged their professional fees.

The registry is further directed to forward a copy of this order to all the District Judges and Commissioners of the region and Board of Revenue for being forwarded to all the Bar Associations for the purpose of sensitizing the lawyers on this issue.

Order Date :- 3.8.2021

p.s.