



Kalpana Devi vs. State of H.P a/w connected matter

CWPIL No.19/2023 and CWP No.2507/2023

CWPIL No.19/2023

22.4.2024

Present:

Mr. Sanjay Kumar and Mr. Rakesh Kumar Sharma, Advocates, for the petitioner.

Mr. Anup Rattan, Advocate General along with Mr. Navlesh Verma, Additional Advocate General, for respondents/State.

Respondent No.3 stands deleted.

Mr. Deven Khanna, Advocate, for respondent No.4- Sunder Singh Thakur.

Mr. Ajay Sharma, Senior Advocate with Mr. Atharv Sharma, Advocate, for respondent No.5- Mohan Lal Brakta.

Mr. P.P. Chauhan & Ms. Shikha Rajta, Advocates, for respondent No.7-Ashish Butail through Video Conferencing.

Mr. Virender Singh Chauhan, Senior Advocate with Mr. Vikram Thakur, Mr. Arsh Chauhan, and Mr. Vanshaj Azad, Advocates, for respondents No.6 and 8.

Mr. Neeraj Gupta, Senior Advocate with Mr. Ajeet Jaswal and Mr. Vedhant Ranta, Advocate, for respondent No.9.

CWP No. 2507 of 2023

Mr. Maninder Singh and Mr. Ankush Dass Sood, Senior Advocates with Mr. Vir Bahadur Verma, Mr. Ankit Dhiman, Mr. Gaurav Chaudhary, Mr. Mukul Sharma and Ms. Prajval Busta, Advocates, for the petitioners.

Mr. Anup Rattan, Advocate General along with Mr. Navlesh Verma, Additional Advocate General, for respondents/State.

Mr. Ashwani Chawla, Advocate, for respondent No.2.

Respondent No.4 stands deleted.

Mr. Deven Khanna, Advocate, for respondent No.5-
Sunder Singh Thakur.

Mr. Ajay Sharma, Senior Advocate
with Mr. Atharv Sharma, Advocate, for respondent
No.6 Mohan Lal Brakta.

Mr. P.P. Chauhan Advocate, Ms. Shikha
Rajta and Mr. Satpal Singh Satti Advocate, for
respondent No.8-Ashish Butail through video
conferencing.

Mr. Virender Singh Chauhan, Senior Advocate
with Mr. Vikram Thakur, Mr. Arsh Chauhan
and Mr. Vanshaj Azad Advocates, for
respondents No.7 and 9.

Mr. Neeraj Gupta, Senior Advocate with Mr.
Ajeet Jaswal and Mr. Vedhant Ranta,
Advocate, for respondent No.10.

CWPIL No.19/2023 and CWP No.2507/2023

Mr. Maninder Singh, Senior Advocate has concluded
arguments on behalf of the petitioners in CWP No.2507 of 2023.

The said arguments have been adopted by Mr. Sanjay Kumar,
Advocate for petitioner in CWPIL No.19 of 2023.

Even though there is time left to continue hearing
the matter on behalf of the respondents including the respondent-
State, the learned Advocate General has submitted that he has
been asked by the Government not to appear in these cases to
address arguments on behalf of the respondents-State.
According to the learned Advocate General the State has initiated
the process for engaging Senior Advocates to defend the case on
behalf of the respondent-State. It has been further stated by

learned Advocate General that State has engaged two Senior Advocates practicing in the Supreme Court to address arguments on its behalf but they are not available today and thus he is seeking an adjournment on their behalf. He has also placed on record communication dated 27.03.2024 received by him from the Principal Secretary (GAD) to the Govt. of Himachal Pradesh in this regard therefore, he has expressed his inability to argue on behalf of the respondent-State with a prayer to adjourn the matter to dates suitable for the State to make the Senior Advocates available for arguing on behalf of the State.

Earlier on 16.10.2023, 07.12.2023 and 03.01.2024 after hearing the matters at length, the matters were adjourned on requests made by and/or on behalf of respondents/learned Advocate General.

On previous date 02.04.2024, it had been unambiguously ordered by this Court that the case shall be heard and concluded on a day-to-day basis by commencing hearing with effect from today i.e. on 22.04.2024. The letter produced by the learned Advocate General is dated 27.03.2024. There was sufficient time available with the State to engage and make available an arguing counsel on behalf of the State to defend the State.

At this stage, learned Advocate General has clarified by submitting that inability expressed by him not to appear on behalf of the State recorded hereinabove, was because of the

decision of the State to engage Senior Advocates to defend it in the present case. Today he has appeared in the case only on account of the observation of the Court, that the learned Advocate General is shirking from appearing in and arguing the case and to inform the Court of the reason for which he was not appearing on previous dates.

On account of inability expressed by the learned Advocate General to commence arguments on behalf of the State, counsel for other private respondents were asked to address their arguments. The counsels appearing on behalf of the private respondent have prayed to adjourn the case for tomorrow in order to enable them to address the arguments on behalf of the respondents.

List for continuation on **23.04.2024**.

(Vivek Singh Thakur)
Judge

(Bipin C. Negi)
Judge

22nd April, 2024
(Gaurav Rawat)