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HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HON'BLE THE CHIEF JUSTICE HIMA KOHLI
AND
THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO
AND
THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

SUOMOTU WP URGENT No.3 OF 2021

IN RE:

Letter dated 26.04.2021 received from Chairman, Bar Council of the State of Telangana- Requested for extension of Interim Orders passed by the Hon'ble Court, District and Other Subordinate Courts in view of difficulties being faced by the Advocates.

The petition coming on for hearing, upon perusing the letter dated 26.04.2021 filed by the Chairman, Bar Council of State of Telangana, the Court made the following.

ORDER:

1. The country is reeling under the second wave of the COVID-19 infection. The number of active cases of COVID-19 infection in the State over the past one week have increased alarmingly and several Advocates and their family members, Judicial Officers and the staff members have got infected.
2. The Chairman, Bar Council of the State of Telangana, has submitted a representation dated 26.04.2021 highlighting the difficulties being faced by the Advocates in attending the courts and getting extension of the interim orders operating in favour of their clients.
3. We may note that vide Notification dated 15.04.2021, it was directed that all Benches of the High Court will conduct hearing of cases virtually. Further, vide Notification dated 19.04.2021 all Judicial Officers in the State were directed to work in virtual mode and all Principal District and Sessions Judges of the State were instructed to reduce the footfall in the courts in their Units by only allowing 50% of the staff members to attend court on a turn wise basis. Vide Notification dated 29.04.2021, Unit Heads in the State were directed to instruct the Vacation

Civil Judges in their Units to work from their courts either virtually or physically, by following the COVID protocols and all the other Judicial Officers, who are not on vacation and dealing with criminal cases or other urgent matters, were instructed to work virtually either from their chambers in the court or from their Home Offices in their respective stations during the summer vacation, 2021.

4. Taking *suo motu* cognizance of the aforesaid extraordinary circumstances and in exercise of the powers vested in this court under Articles 226 and 227 of the Constitution of India, it is hereby directed as under:-

(i) All the interim orders/directions issued or protection granted including any order requiring any compliance by the parties to such proceedings, passed by this court or any other court subordinate to it or any Family court or Labour Court or any Tribunal or any other Judicial or Quasi Judicial forum, over which this court has the power of superintendence, subsisting as on date, shall stand extended till 30th June, 2021;

(ii) Interim orders or directions of this court or any court subordinate to this court that are not of a limited duration and are intended to operate till further orders, shall continue to remain in force until specifically modified/altered/vacated by the court concerned in a particular case;

(iii) The time for filing of written statement or return in any suit or proceeding pending before any civil court or any other forum, unless specifically directed, shall stand extended till 30th June, 2021. It is however clarified that this will not preclude the parties from filing such written statement or return before 30th June, 2021;

(iv) Orders of eviction, dispossession, demolition, etc. passed by this court or any court subordinate to it or any Tribunal or Judicial or Quasi Judicial forum, which have so far remained unexecuted, shall remain in abeyance till 30th of June 2021;

(v) All orders granting interim protection in applications moved under Section 438 Cr.P.C by the High Court or Sessions Courts for a limited time frame, specifying an expiry date, from now up to 30th June, 2021, shall stand extended till 30th of June, 2021. However, any party aggrieved by the conduct of the accused granted such interim protection, may move the court in seisin over the matter for cancellation of the interim protection, in the event any prejudice is being caused to it;

(vi) All orders granting interim bail under Section 439 Cr.P.C by the High Court or Sessions Courts and limited by a time frame specifying a date of expiry, from now up to 30th June, 2021, shall stand extended till 30th June, 2021. However, a party aggrieved by the conduct of the accused enjoying interim protection, would be entitled to move the court concerned for cancellation of the interim protection, if any prejudice is caused to it.

(vii) Parole granted to a person on an order passed by a court exercising the criminal jurisdiction and limited by time frame specifying an expiry date, from now up to 30th June, 2021, shall stand extended till 30th of June, 2021;

(viii) That till 30th of June, 2021 the police shall refrain from arresting the accused without complying with the provision of Section 41A, Cr.P.C, unless there is a necessity of arrest for maintenance of law and order or any other emergent case, in a cognizable offence prescribing sentence up to seven years imprisonment. This may not be construed as an interdict on the powers of the police to arrest, but in view of the ongoing crisis following the second wave of Coronavirus, this shall be treated as an Advisory to be followed by the police, as far as is possible;

(ix) The State Governments or any of its Departments or any Municipal Corporation/Council/Board or any Gram Panchayat or any other local body or any other agency and instrumentality of the State shall not take any action for eviction and/or demolition in respect of any property, except in respect of a property

required for offering medical services/facilities, over which any citizen or person or party or any Body Corporate, has physical or symbolic possession as on today, till 30th June, 2021;

(x) If by the order of this court or any court subordinate to it or the Tribunals, the State Government and/or any of its Departments and/or functionaries, Central Government and/or its departments or functionaries or any Public Sector Undertakings or any Public or Private Companies or any Firm or any individual or person is/are required to do a particular thing or implement certain directions in a particular manner, within a time frame, which is going to expire at any time from now up to 30th June, 2021, the time for compliance of such order shall stand extended up to 30th June, 2021, unless specifically directed otherwise by the court concerned;

5. In order to dispel any ambiguity, it is clarified that:-

(a) those interim orders/directions, which are not for a limited duration and are to operate until further orders, shall remain unaffected by this order;

(b) that, in case extension of interim order(s) as per the present order passed by this court, causes any undue hardship and prejudice of any extreme nature, to any of the parties to such proceeding(s), such parties would be at liberty to seek appropriate relief by moving appropriate application(s) before the competent court(s), Tribunal, Judicial or Quasi-Judicial Forum and these directions shall not be taken as a bar for such Courts/Forums to consider such application(s) filed by the aggrieved party, on its own merit, after due notice and on providing an opportunity of hearing to the other side;

(c) that the directions enumerated above shall not preclude the State or the Central Government from moving an appropriate application for seeking vacation/modification of such an order, in any particular case for reason of urgent or overriding public interest;

6. List on 28.06.2021, for further orders to be passed, after reviewing the situation.

7. This order shall be uploaded on the website of this court and be conveyed to the learned Advocate General, Additional Advocate General, Additional Solicitor General of India, Assistant Solicitor General of India, Public Prosecutor of the High Court, all the Government Pleaders and Standing Counsel, High Court Advocates' Association, all the other Bar Associations of the District in the State of Telangana, as well as to all District Courts subordinate to this court.

Sd/-K.VENKAIAH
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To

1. The Registrar General, High Court for the State of Telangana, at Hyderabad.
2. The Registrar (Judicial-I), High Court for the State of Telangana, at Hyderabad.
3. The Section Officer, Special Officer Section, High Court for the State of Telangana, at Hyderabad.
4. The Advocate General, High Court for the State of Telangana, Hyderabad
5. The Additional Advocate General, High Court for the State of Telangana, Hyderabad
6. The Additional Solicitor General of India, High Court for the State of Telangana, Hyderabad
7. The Assistant Solicitor General, High Court for the State of Telangana, Hyderabad
8. The Public Prosecutor, High Court for the State of Telangana, Hyderabad
9. All the Government Pleaders, High Court for the State of Telangana, Hyderabad
10. All the Standing Counsels, High Court for the State of Telangana, Hyderabad
11. The High Court Advocate Associations, High Court for the State of Telangana, Hyderabad
12. All the Bar Associations of the District of the Telangana State
13. All the District Courts in the Telangana State
14. Two spare copies

HIGH COURT

WWW.LIVELAW.IN

HCJ
&
MSR,J
&
ARR,J

DATED: 30.04.2021

NOTE: LIST THIS CASE ON 28.06.2021

SUOMOTU WP URGENT 3 OF 2021

EXTENSION

