

**Court No. - 29**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 564 of 2020

**Petitioner :-** In Re

**Respondent :-** State of U.P.

**Counsel for Petitioner :-** Suo Moto, Ashutosh Upadhyay, S.M. Faraz I. Kazmi

**Hon'ble Munishwar Nath Bhandari, Acting Chief Justice**  
**Hon'ble Subhash Chandra Sharma, J.**

On 31.05.2021, this Court extended the order earlier passed in furtherance to the order dated 24.04.2021. The following directions were given that were quoted:-

*"1) That all interim orders passed by the High Court of Judicature at Allahabad as well as at Lucknow, all the District Courts, Civil Courts, Family Courts, Labour Courts, Industrial Tribunals and all other Tribunals or Quasi-Judicial forums in the State of Uttar Pradesh over which this Court has power of superintendence which were subsisting on 15.03.2021 shall stand extended till 31.05.2021.*

*2) That the interim orders or directions of this Court or any court subordinate to this Court in the State of Uttar Pradesh which are meant to operate till further orders shall continue to remain in force until modified by specific order of the court concerned.*

*3) It is further directed that the criminal courts in the State of Uttar Pradesh which granted bail orders or anticipatory bail for a limited period, which are likely to expire, on or before 31.05.2021 shall stand extended for a period till that date i.e. 31.05.2021.*

*4) That any orders of eviction, dispossession or demolition, already passed by the High Court, District Court or Civil Court, if not executed till the date of passing of this order shall remain in abeyance for the period till 31.05.2021.*

*5) That the State Government, Municipal Authorities, other Local Bodies and agencies and instrumentalities of the State Government shall be slow in taking action of demolition and eviction of persons till 31.05.2021.*

*6) It is further directed that any Bank or Financial Institution shall not take any action for auction in respect of any property or an institute or person or party or any body corporate till 31.05.2021.*

*It is however made clear that in case of extension of interim orders as per the present order, any undue hardship and prejudice of any extreme nature is caused to any of the party to such proceedings, the said party/parties would be at liberty to seek appropriate relief by moving appropriate application before the competent court, tribunal, judicial or quasi-judicial forum and the general direction issued by this order shall not be an embargo in considering such application and deciding the same after affording an opportunity of*

*hearing to all the parties to said lis. Needless to say, the State and its functionaries will also be at liberty to file appropriate application in respect of particular case for necessary directions."*

The order quoted above was passed looking to the position obtaining in the months of April and May, 2021. The working of the Courts were on virtual mode with limited capacity. Now, the position has improved as per the data of different agency of the State of Uttar Pradesh. The Courts are also working physically. It is, however submitted by the Member of the Bar that if the order dated 31.05.2021 is discontinued, it may have consequence of discontinuance of interim order without moving an application for extension of time and other related issue. The prayer is to continue the order dated 31.05.2021 for some reasonable time.

We find that the order dated 31.05.2021 was passed in situation of pandemic obtaining on the date in furtherance to the earlier order. It is not in dispute that the position has changed and otherwise Courts are physically working. However, we take note the prayer made by Members of Bar and accordingly extend the order for 15 days so that appropriate action may be taken, as is required for extension of interim order or to keep an order in force in any of the Courts either the High Court, the District Court or all the Courts referred in para 1 quoted above. Order dated 31.05.2021 in reference to the paragraph nos. 4, 5 and 6 are concerned, that would not continue further more and after expiry of 15 days from the date i.e. 17.08.2021 even direction of 1, 2, 3 and 4 quoted above would not remain in operation. However, we are not disposing the

petition rather keeping it pending to watch the situation and if necessity arises to pass an appropriate order thereupon.

Let this petition be listed again on 17.08.2021.

**Order Date :- 2.8.2021**

A. Singh

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**(Subhash Chandra Sharma,J.) (Munishwar Nath Bhandari, A.C.J.)**