

ITEM NO.302

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition (Civil) No. 1236/2019

LOK PRAHARI THROUGH ITS GENERAL
SECRETARY S.N.SHUKLA I.A.S. (RETD)

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

IA No. 58504/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 25096/2023 - FORMAL DISPOSAL
IA No. 72386/2021 - GRANT OF FURTHER RELIEF
IA No. 72382/2021 - MODIFICATION OF COURT ORDER

WITH

W.P.(C) No. 689/2021 (X)

IA No. 48113/2023 - APPLICATION FOR PERMISSION

Date : 30-01-2025 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s) Mr. Sudhir Mendiratta, AOR

Petitioner-in-person

For Respondent(s) Mr. R. Venkataramani, Attorney General for India
Mr. Tushar Mehta, Solicitor General
Mr. Rajat Nair, Adv.
Mr. B.K. Satija, Adv.
Mr. Adit Khorana, Adv.
Mr. Chitvan Singhal, Adv.
Mr. Kartikay Aggarwal, Adv.
Mr. Abhishek Kumar Pandey, Adv.
Mr. Raman Yadav, Adv.
Mr. Ameyavikrama Thanvi, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Atmaram N S Nadkarni, Sr. Adv.
Mr. D. L. Chidananda, AOR

Ms. Preetika Dwivedi, AOR
Mr. Abhisek Mohanty, Adv.

Mr. Divyakant Lahoti, AOR
Ms. Praveena Bisht, Adv.
Ms. Vindhya Mehra, Adv.
Mr. Kartik Lahoti, Adv.
Mr. Kumar Vinayakam Gupta, Adv.
Mr. Adith Menon, Adv.
Ms. Samridhi Bhatt, Adv.
Ms. Shreya Gokel, Adv.
Ms. Anushka Awasthi, Adv.
Mr. Siddharth Tripathi, Adv.
Ms. Akanksha Soni, Adv.

Mr. Sachin Patil, AOR
Mr. Geo Joseph, Adv.
Mr. Risvi Muhammed, Adv.
Mr. Rishabh Agarwal, Adv.

Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.
Mr. Rohit Bansal, Adv.
Ms. Mrinalini Mukherjee, Adv.

Mr. Kanhaiya Singhal, AOR
Mr. Prasanna, Adv.
Mrs. Vani Singhal, Adv.
Mr. Ajay Kumar, Adv.

Mr. Malak Manish Bhatt, AOR

Mr. Sahil Tagotra, AOR
Mr. Sujay Jain, Adv.
Mr. Zubin Dash, Adv.

Mr. V. N. Raghupathy, AOR
Ms. Mythili S, Adv.

Mr. Arjun Garg, AOR
Ms. Kriti Gupta, Adv.
Ms. Sagun Srivastava, Adv.
Mr. Saaranish Shukla, Adv.

Mr. Niranjana Sahu, AOR
Ms. Shivangi Gupta, Adv.

Mr. Gopal Singh, AOR

Mr. Mukul Kumar, AOR

Ms. Sindoor Vnl, AOR

Mr. Apoorv Kurup, AOR

Mr. P. I. Jose, AOR

Ms. Radhika Gautam, AOR

Mr. Ashwarya Sinha, AOR
Ms. Surbhi Kumari, Adv.

Mr. T. G. Narayanan Nair, AOR

M/s. KSN & Co., AOR
Mr. V Balachandran, Adv.
Mr. Siddharth Naidu, Adv.

Mr. Sanjai Kumar Pathak, AOR
Mrs. Shashi Pathak, Adv.
Mr. Arvind Kumar Tripathi, Adv.

Mr. Mahesh Thakur, AOR

Mr. Abhimanyu Tewari, AOR
Ms. Eliza Bar, Adv.

Ms. Enakshi Mukhopadhyay Siddhanta, AOR
Mr. Ravi Kumar S., Adv.
Mr. P. S. Sridhar Raj, Adv.

Ms. Vanshaja Shukla, AOR
Ms. Anubha Dhulia, Adv.
Ms. Ankeeta Appanna, Adv.

Mr. Amit Sharma, AOR
Mr. Dipesh Sinha, Adv.
Ms. Pallavi Barua, Adv.
Ms. Aparna Singh, Adv.

Mr. Shakul R. Ghatole, Adv.
Mr. Shyam Dewni, Adv.
Mr. Saahil Dewani, Adv.
Mr. Vatsalya Vigya, AOR
Mr. Sumit Khanna, Adv.
Ms. Samiksha Pareskh, Adv.

Mr. K. Parameshwar, Sr. Adv.
Mr. Ravi Raghunath, AOR

Mr. Aaditya A. Pande, AOR

Mr. Siddharth Dharmadhikari, Dv.
Mr. Shrirang B. Varma, Adv.
Mr. Sourav Singh, Adv.

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

In the judgment and order dated 20.04.2021, this Court refers to the unprecedented situation arising from the backlog of cases pending before the High Courts, and that any Constitution has to be dynamic as to sub-serve and endeavour to serve an existing problem. Secondly, the judgment and order dated 20.04.2021 states that it would not be appropriate to close the proceedings, but a concept of continuing mandamus would be appropriate to work out the recourse to Article 224A of the Constitution of India.

As per the National Judicial Data Grid, recent data indicates that there has been an increase in pendency levels in almost all the High Courts. Around 62,00,000 (Sixty Two Lakhs) cases are pending before the High Courts in India as on 25.01.2025, of which more than 18,20,000 (Eighteen Lakhs Twenty Thousands) cases are criminal cases and more than 44,00,000 (Forty Lakhs) cases are civil cases.

Having regard to the aforesaid position, we are inclined to keep the observations/conditions stipulated in paragraphs 43, 50, 54 and 55 of the judgment and order dated 20.04.2021 that recourse to the appointment of *ad-hoc* Judges under Article 224A of the Constitution of India should not be made unless 80% of the sanctioned strength is already either recommended or working, in abeyance. In other words, the requirement that the vacancies

should not be more than 20% of the sanctioned strength, will be kept in abeyance for the time being.

Paragraph 61 of the impugned judgment and order dated 20.04.2021 will also remain in abeyance in terms of directions issued today.

We further observe that in the facts of the present case, each High Court may take recourse to Article 224A of the Constitution of India for the appointment of *ad-hoc* Judges between 2 to 5 in number, but not exceeding 10% of the sanctioned strength.

The *ad-hoc* Judges will sit in a Bench presided over by a sitting Judge of the High Court and decide pending criminal appeals.

The Memorandum of Procedure already in place, will be applied and resorted to for such appointments.

Liberty is given to the parties to move an appropriate application, if necessary. The Bench will reassemble for further directions, if required and necessary.

(BABITA PANDEY)
AR-CUM-PS

(R.S. NARAYANAN)
ASSISTANT REGISTRAR