

Court No. - 49

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1389 of 2025

Petitioner :- Ashok Kumar

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Mohd Haleem, Nishi Sengar

Counsel for Respondent :- C.S.C., Krishna Kant Singh

Hon'ble J.J. Munir, J.

A personal affidavit has been filed by the Sub Divisional Magistrate, Koil, District Aligarh, in compliance with the order dated 10.07.2025. In the said affidavit, it is averred:

"5. That it is Most Respectfully submitted that against the order dated 24.01.2023 passed by the deponent, Satyapal Singh son of Khajan Singh, has filed an appeal before the Commissioner, Aligarh Division, Aligarh, bearing Appeal No. 688 of 2023, under Section 34(4) of the U.P. Revenue Code, 2006, whereby being the appeal not maintainable, the Learned Commissioner gave a liberty to Sri Satyapal Singh to file a Restoration Application before the deponent, hence said Satyapal Singh has filed a Restoration Application before the Sub Divisional Magistrate to hear the case filed under Section 38(2) of the U.P. Revenue Code, 2006.

6. That on the aforesaid date of hearing i.e. on 25.07.2025 since the Advocates were abstaining from work, hence no Advocate appeared to press the Restoration Application before the deponent, as such, in the same, the next date of hearing is fixed for 28.07.2025."

The restoration application made before the Sub Divisional Magistrate has been adjourned on 25.07.2025 to 28.07.2025 because the Advocates were abstaining from judicial work and no one appeared to press the application. It is well settled by now that any kind of abstinence from professional duty on a call by the Bar Association, is absolutely illegal and non-est. In this regard, reference may be made to the decisions of the Supreme Court in

Ex-Capt. Harish Uppal v. Union of India and another, (2003) 2 SCC 45, Common Cause, a registered society and others v. Union of India and others, (2006) 9 SCC 295, Krishnakant Tamrakar v. State of Madhya Pradesh, (2018) 17 SCC 27, District Bar Association, Dehradun through its Secretary v. Ishwar Shandilya and others, (2020) 17 SCC 67 and a very recent order of the Supreme Court dated 20.12.2024 passed in **Petition(s) for Special Leave to Appeal (C) No (s). 19804-19805/2024, Faizabad Bar Association vs. Bar Council of Uttar Pradesh & others.** The Division Bench of this Court in **Contempt Application (Criminal) No.12 of 2024** on 25.09.2024 has observed in paragraph no. 8 as under:

"8. Since we have already issued directions in our previous order for enforcing the judgment of Supreme Court in Ex. Captain Harish Uppal Vs. Union of India : (2003) 2 SCC 45 and other similar cases, we hope and trust that the lawyers will see the cause in correct perspective and would desist from resorting to strike."

If no one appeared to press the restoration application and there was a resolution by the Bar, the Court could not have sided with the resolution and fallen foul of the law laid down by the Supreme Court. Accepting a strike resolution may amount to misconduct on the Presiding Officer's part inviting recommendation for disciplinary action against the concerned officer, who adjourns the case in deference to a resolution of the Bar asking members to abstain from their professional duties in Court. In addition, such office bearers may also have to be removed from office.

Let the Sub Divisional Magistrate, Koil, District Aligarh show cause by her own affidavit, why appropriate action may not be taken against her in the matter on account of adjourning the case in deference to a resolution of the Bar asking their members to abstain from their professional duties.

Let the full particulars of the Bar Association, its President and Secretary be also furnished to this Court in the affidavit on whose call the Advocates abstained from their professional duties in the Court of the Sub Divisional Magistrate, Koil, District Aligarh on 25.07.2025.

Adjourned as **fresh** to **06.08.2025**.

Let this order be communicated to the Sub Divisional Magistrate, Koil, District Aligarh through the learned Chief Judicial Magistrate, Aligarh by the Registrar (compliance) within **24 hours**.

Order Date :- 28.7.2025

Brijesh Maurya