

**High Court of Judicature at Allahabad
(Lucknow)**

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 8810 of 2023

Petitioner :- Anil Kumar Khanna

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko. And Others

Counsel for Petitioner :- Mayank Pandey

Counsel for Respondent :- G.A.,Neerav Chitravanshi,Rana Pratap Singh,Shailesh Kumar Pathak,Shiv P Shukla

Along With

Case :- WRIT - C No. - 9925 of 2010

Petitioner :- Prashant Singh Gaur

Respondent :- State of U.P. and Others

Counsel for Petitioner :- Prashant Singh Gaur, Akshaya Katiyar, Ashok Pandey, Avinash Chandra, Jogi Ram Sharma, K M Nigam, Krishna Kumar Singh, Kshemendra Shukla, Prince Lenin, R.P. Singh, Raghvendra Singh,Rajiv Kumar Bajpai,S.C.Shukla,Yogendra Singh

Counsel for Respondent :- Shiv P Shukla, B.P. Pandey, I.B.Singh, Mohd.Amir Naqui, Neerav Chitravanshi,Vivek Kumar Rai

Case :- CRIMINAL MISC. WRIT PETITION No. - 26045 of 2018

Petitioner :- Anil Kumar Tiwari

Respondent :- State Of U.P. Thru Secy. Home Lucknow And Ors.

Counsel for Petitioner :- Anjum Ara,Chandan Srivastava,Mohammad Irfan Siddiqui,Yogesh Somvanshi

Counsel for Respondent :- G.A.

Case :- CRIMINAL MISC. WRIT PETITION No. - 2366 of 2022

Petitioner :- Kunwar Singh Yadav

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt. & Others

Counsel for Petitioner :- Piyush Shrivastava

Counsel for Respondent :- G.A.

Case :- CRIMINAL MISC. WRIT PETITION No. - 5879 of 2022

Petitioner :- Dinesh Pratap Singh

Respondent :- State Of U.P. Thru. Addl. Chief Secy./Prin. Secy. Deptt. Of Home Lko. And Others

Counsel for Petitioner :- Shachindra Pratap Singh, Aishwarya

Mishra, Arnav Prakash Tikku, Neeraj Kumar Rai, Rishad Murtaza, Syed Ali Jafar Rizvi

Counsel for Respondent :- G.A., Aasif Razzaque Khan, Amrendra Nath Tripathi, Anuj Pandey, Krishna Mohan Srivastava

Case :- CRIMINAL MISC. WRIT PETITION No. - 1254 of 2023

Petitioner :- Qamar Jabeen Siddiqui

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt. Civil Sectt. Lko. And Others

Counsel for Petitioner :- Piyush Shrivastava

Counsel for Respondent :- G.A., Prem Shanker, Santosh Kumar Shukla, Vineet Kumar Pandey

Case :- CRIMINAL MISC. WRIT PETITION No. - 3500 of 2023

Petitioner :- Poonam Singh And 2 Others

Respondent :- State of U.P. Thru. Prin. Secy. Deptt. Of Home & 5 Others

Counsel for Petitioner :- Ripu Daman Shahi, Jai Pratap Singh

Counsel for Respondent :- G.A., Anubhav Awasthi, Manoj Kumar Mishra, Utkarsh Misra

Case :- CRIMINAL MISC. WRIT PETITION No. - 3537 of 2023

Petitioner :- Sharda Shankar Rastogi And 2 Others

Respondent :- State Of U.P. Thru. Addl. Chief Secy./Prin. Secy. Home Civil Secrett. Lko. And 23 Others

Counsel for Petitioner :- Shachindra Pratap Singh, Namit Sharma, Neeraj Kumar Rai

Counsel for Respondent :- G.A., Anubhav Awasthi, Manoj Kumar Mishra, R.P. Mishra, Shobhit Kant, Subhash Chandra Pandey, Utkarsh Misra

Case :- CRIMINAL MISC. WRIT PETITION No. - 8629 of 2023

Petitioner :- Subhansu Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Home Civil Sectt. Lko. And Others

Counsel for Petitioner :- Roshan Babu Gupta

Counsel for Respondent :- G.A., Subhash Chandra Pandey, Sushil Kumar Singh

Case :- CRIMINAL MISC. WRIT PETITION No. - 8875 of 2023

Petitioner :- Sudeep Bhatt And 3 Others

Respondent :- State Of U.P. Thru. Addl. Chief Secy. U.P. Home Deptt. Lko. And 3 Others

Counsel for Petitioner :- Bhupendra Nath Tripathi

Counsel for Respondent :- G.A., Neeraj Kumar Rai

Case :- CRIMINAL MISC. WRIT PETITION No. - 8969 of 2023

Petitioner :- Smt. Shabnam Rawat And Another

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Home Lko. And Others

Counsel for Petitioner :- Ganesh Kumar Gupta, Neeraj Kumar Rai

Counsel for Respondent :- G.A., Subhash Chandra Pandey

Case :- CRIMINAL MISC. WRIT PETITION No. - 9576 of 2023

Petitioner :- Qamar Nawab

Respondent :- State Of U.P. Thru. Prin. Secy. Home, U.P. Lucknow
And Others

Counsel for Petitioner :- Syed Asaghar Mehdi, Manish Mani
Tripathi, Qamar Raza

Counsel for Respondent :- G.A.

Case :- CRIMINAL MISC. WRIT PETITION No. - 9881 of 2023

Petitioner :- Mohd. Owais

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko. And Others

Counsel for Petitioner :- Surya Nath

Counsel for Respondent :- G.A.

And

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 32524 of 2018

Petitioner :- In re peaceful Functioning Of The Courts In Lucknow
Judgeship **Respondent :-** State of U.P. and Others

Counsel for Petitioner :- Suo Moto

Counsel for Respondent :- C.S.C.

Hon'ble Rajan Roy, J.

Hon'ble Narendra Kumar Johari, J.

1. Heard.
2. Shri Rana Pratap Singh, Advocate, father of the opposite party no. 10, Saurabh Singh is present. He has filed his Vakalatnama on behalf of opposite party no. 10.

3. **CRIMINAL MISC. WRIT PETITION No. - 8810 of 2023** has been filed seeking following reliefs:

"A. Issue a writ, order, or direction in the nature of the mandamus commanding and directing there by the opposite party no. 1 to 5 to restore the possession of the petitioner over the Shop No. 2 situated on the ground floor of House No. 173/60 Dr. B. N. Verma Road Police Station - Kalsherbag District - Lucknow because the petitioner has been forcefully and without any authority of law or without adopting due procedure of law ousted from the said shop by the opposite party no.8 to 11 with the help of opposite party no.6 and 7.

B. Issue a Writ, order, or direction in the nature of the mandamus commanding and directing the opposite parties no.4 to monitor the Investigation of Case Crime No. 124/2023 Under Section 427, 447 and 506 I.P.C in the police station - Kalsherabgh Lucknow and also insure to that the investigation of the said F.I.R to be conduct in free and faire manner after looking all allegations made in the F.I.R."

4. On 17.11.2023, the following order was passed:

"1. Heard learned counsel for the petitioner and learned AGA for the State-respondents.

2. Learned counsel for the petitioner initially states that there is a typographical error in the description of opposite party nos.4 and 5. Instead of Kaiserbagh it has wrongly been typed as Krishna Nagar. He prays that he may be allowed to correct the said description during the course of the day. The prayer so made is allowed. Necessary corrections be carried out in the description of opposite party nos.4 and 5 by learned counsel for the petitioner during the course of the day itself.

3. This writ petition has been filed with the following main prayers:-

"A. Issue a writ, order, or direction in the nature of the mandamus commanding and directing there by the opposite party no. 1 to 5 to restore the possession of the petitioner over the Shop No. 2 situated on the ground floor of House No. 173/60 Dr. B. N. Verma Road Police Station - Kalsherbag District - Lucknow because the petitioner has been forcefully and without any authority of law or without adopting due procedure of law ousted from the said shop by the opposite party no.8 to 11 with the help of opposite party no.6 and 7.

B. Issue a Writ, order, or direction in the nature of the mandamus commanding and directing the opposite parties no.4 to monitor the Investigation of Case Crime No. 124/2023 Under Section 427, 447 and 506 I.P.C in the police station - Kalsherabgh Lucknow and also insure to that the investigation of the said F.I.R to be conduct in free and faire manner after looking all allegations made in the F.I.R."

4. It has been submitted by learned counsel for the petitioner that the opposite party nos.6 and 7, who are the Station House Officer and Sub Inspector beat in charge, respectively of police station Kaiserbagh, Lucknow have colluded with the opposite party nos.8 to 11, who are the private respondents and taken over the property/ shop of the petitioner situated on the ground floor of House No. 173/60, Dr. B.N. Verma Road, police station Kaiserbagh, District Lucknow. The petitioner was tenant of the Shop No.2 situated on the ground floor of the said house for the last 55 years and running a shop by the name of 'Kumar Electronics'. The opposite party no.8 is the land lady of the said house and opposite party no.9 is her son. On 19.09.2022, opposite party no.8 filed a case under Section 21 of the U.P. Regulation of Urban Premises Tenancy Act, 2021 before the Additional District Magistrate City (East), Lucknow against the petitioner praying for his eviction from the property in question, on the ground that petitioner had not paid the arrears of rent for the past two years. The petitioner appeared before the Additional District Magistrate City (East), Lucknow and filed written objections in the Court, by way of filing Case No.235 of 2022; Anil Kumar Khanna vs. Hashmati Khan under Section 14 of the U.P. Regulation of Urban Premises Tenancy Act, 2021, stating that he has been tenant of the shop in question for the last 55 years and he has been regularly depositing the rent and that he had deposited rent till December, 2023. The Additional District Magistrate City (East), Lucknow passed an order dated 23.08.2023 allowing the application filed by opposite party no.8 and directing the petitioner to vacate the premises and hand over its possession within 30 days. Till date no execution proceedings have been initiated by the opposite party no.8 in any court of law. On 17.10.2023, the petitioner filed Misc. Civil Appeal No.852 of 2023 against the order dated 23.08.2023 before the Rent Tribunal/ District Judge, Lucknow, who issued notices to opposite party no.8.

5. On 19.10.2023, the shop was closed due to weekly-off observed in the said market. The opposite party nos.8 and 9 were aware that the petitioner's appeal is pending before the District Judge, yet with the help of the opposite party nos.10 and

11 and several other persons including advocates in uniform, around 15 persons reached the shop of the petitioner and forcibly broke the lock of the shop with the help of a welding machine. They removed the petitioner's belongings/ electrical goods from the shop and thereafter, closed the shutter and welded a new lock on the said shop. The petitioner has video recording of the entire incident and he has taken some photographs also from the said video clippings. Copies of such photographs have been annexed as Annexure no.5 to the writ petition.

6. The petitioner on deriving knowledge of the incident had tried to lodge FIR against the opposite party nos.8 to 11 and several other persons who had looted his belongings from his shop but opposite party nos.6 and 7 in collusion with opposite party nos.8 to 11 have refused to register the FIR.

7. The petitioner on failure of getting the FIR lodged also filed a complaint under Integrated Grievance Redressal System (IGRS) being complaint no. 40015723083399 on 06.11.2023. The petitioner was able to register the FIR thereafter in Case Crime No. 124 of 2023 under very minor sections namely Sections 427, 447 and 506 IPC at police station Kaiserbagh, District Lucknow against opposite party no. 8 and ten to fifteen other persons, who he could name. The opposite party nos.10 and 11 are advocates. The opposite party no.10 is the Ex Vice President of the Lucknow Bar Association, Lucknow and is involved in such type of illegal activities for the past several years.

8. During the course of argument, learned counsel for the petitioner has referred to an order passed by this Court on 16.02.2023 in Writ C No.1266 of 2023; Prem Lata Maurya vs. State of U.P. & Ors., wherein this Court had directed the Director General of Police, U.P. to issue a circular prohibiting the police personnel from interfering in private disputes. A copy of the order dated 16.02.2023 passed by this Court has also been filed as Annexure no.10 to the writ petition. The Director General of Police, U.P. has also issued a circular on 11.03.2023 in compliance of directions issued by this Court on 16.02.2023, a copy of which is annexed as Annexure no.11 to the writ petition.

9. This Court has gone through the coloured photographs that have been collectively filed as Annexure no.5 to this writ petition. From the same it is evident that several persons in advocate's uniform along with other persons who were not in uniform have taken over the premises in dispute. A lock has been welded on the shutter and on the said closed shutter of the shop 'advocates chamber' has been painted with names of Sunil Misra, Rakesh

Rastogi, Piyush Awasthi, Kuldeep Singh and Jai Kumar Yadav being mentioned on the said shutter.

10. When this Court put a query to the petitioner as to why he has not impleaded Sunil Misra, Rakesh Rastogi, Piyush Awasthi, Kuldeep Singh and Jai Kumar Yadav in his FIR and in this writ petition, he states that he does not know them personally and he could not recognize them very well therefore he has not named them and he has named only those two persons whom he recognizes personally and recognized from the photographs.

11. Learned counsel for the petitioner is directed to implead Sunil Misra, Rakesh Rastogi, Piyush Awasthi, Kuldeep Singh and Jai Kumar Yadav, the alleged persons whose names appear on the shutter of the shop no.2 which has been repainted, as respondent nos.12, 13, 14, 15 and 16, respectively, during the course of the day.

12. Issue notice to respondent nos.8 to 16 through the Station House Officer, Police Station Kaiserbagh, District Lucknow.

13. Learned AGA shall seek instructions from the opposite party no.3; Commissioner of Police, District Lucknow who shall get an enquiry conducted on his own and submit a report, signed by him personally with regard to the alleged incident which took place on 19.10.2023, on the next date of listing.

14. List this matter along with Criminal Misc. Writ Petition Nos.8629 of 2023; Subhansu Singh vs. State of U.P. and Ors., 5879 of 2022; Dinesh Pratap Singh vs. State of U.P. and others, 3537 of 2023; Sharda Shanker Rastogi and 2 others vs. State of U.P. and 23 others and Misc. Bench No.9925 of 2010; Prashant Singh Gaur vs. State of U.P. and others on 21.11.2023 as fresh.”

5. Thereafter another order was also passed after this petition was clubbed with other petitions as this Court found that there are large number of petitions alleging crimes by lawyers or those posing as lawyers, we do not refer to those orders today as we have already done so in our earlier orders.

6. The contention of the petitioner's counsel is that the eviction proceedings were initiated by the landlord i.e., opposite party no. 8

against the petitioner who was the tenant of the premises owned by her and situated at Dr. B.N. Verma Road, Aminabad Park, Lucknow and order of eviction was passed under Section 21 of the U.P. Rent Control Act on 23.8.2023, but no proceedings for its enforcement/execution were initiated nor undertaken.

7. The petitioner filed an appeal challenging the said order on 17.10.2023. The notices were ordered to be issued on 17.10.2023 to the respondent. Without any proceedings for eviction having been undertaken after the order of eviction, the petitioner was dispossessed by the landlord, her sons and some Advocates. The Advocates are arrayed as opposite party nos. 10 to 16 and the F.I.R. was lodged by the petitioner in this regard on 23.10.2023.

8. The petitioner's counsel says that it is a case of forcible dispossession without authority of law and without following due process of law, therefore, to restore the faith of citizens and litigants in the justice delivery system and the law of the land, it is necessary that the petitioner be put back in possession and he says that he has no objection, if enforcement/execution of the eviction orders are undertaken as per law by the landlord subject to the right of the petitioner to get a stay of the eviction order or stay of said proceedings, but he could not have been dispossessed in such an illegal and arbitrary manner.

9. It is informed that after investigation, charge-sheet has been filed in the said case against four accused, two of them are Advocates i.e. opposite party no. 10 Saurabh Singh and opposite party no. 11 Punit Pandey. The third person is Himanchal Mishra who is not a party to these proceedings, but he is also said to be an alleged advocate.

10. According to the learned AGA, cognizance has been taken by the Magistrate on 23.12.2023 and now, the matter is posted before the court below on 31.1.2024. This is with regard to charge-sheet no. 1.

11. Learned AGA informs that during investigation, it came out that apart from the premises in question wherein the allegation of dispossession was there and the name of certain Advocates was painted on the shop, it was found that the adjacent shop was also usurped/occupied in a similar fashion and the tenant gave an application in this regard whereupon the said offence has also been merged with the case lodged by the petitioner herein and in respect of the other shop, a supplementary charge-sheet has been filed wherein there are six accused including one Advocate who is opposite party no. 11 i.e., Punit Pandey in this case.

12. Learned AGA says that so far as the police is concerned as it has investigated the criminal offence and filed the charge-sheet, therefore, it has nothing to say on this aspect of the matter so far as restoration of possession is concerned.

13. The order-sheet does not contain a report as to service upon opposite party nos. 8 to 16 to whom notices were issued.

14. Let the office submit a report in this regard positively, within one week.

15. In the meantime without prejudice to the rights of the parties, we direct the petitioner to implead the District Magistrate/Collector as also the Additional District Magistrate City East/Prescribed Authority as opposite parties in the petition.

16. We call for a report from the Prescribed Authority/Rent Authority who is said to be Additional District Magistrate, City East as to whether after passing of the eviction order on 23.8.2023 in Case No. 5175 of 2022 'Smt. Hasmati Khan and others vs. Anil Kumar Khanna any process was initiated for carrying execution of the eviction order as per law. If so, true photocopy of the records of the said proceedings shall also be placed before this Court on the next date. The original record in this regard shall be preserved and the District Magistrate, Lucknow shall ensure the same.

17. Let a report along with the aforesaid record be placed before this Court on the next date. Learned AGA shall ensure the same.

18. Apart from the aforesaid order which relates to individual grievance of the petitioner, several writ petitions are tagged with this writ petition including Public Interest Litigations, all of which have been

ordered by Hon'ble the Acting Chief Justice to be heard by a Bench presided by one of us (Rajan Roy,J.), therefore, we also propose to consider other issues which are in larger public interest as referred in earlier order dated 02.01.2024 which reads as under:

"Heard learned Counsel for the petitioners, Shri S.P. Singh along with Shri Tilhari, learned A.G.A. for the State, Shri Neerav Chitravanshi along with Shri Kushagra Dixit, learned Counsel's for the Income Tax department and Shri Subhash Chandra Pandey, learned Counsel for the Bar Council of India. Learned Counsel for the C.B.I. is not present today.

We have perused this Court's order dated 02.12.2023, which reads as under:-

"1. The Police Commissioner of Lucknow- Mr. S.B. Shiradkar is present in person in compliance of our order dated 21.11.2023. He has submitted a detailed report, running into several pages before this court, which is taken on record. He has also assured this Court that he has constituted a Special Cell under one Joint Commissioner of Police, (Law and Order), a very senior I.P.S. Officer to look into the complaints regarding alleged lawyers taking over property of common persons and to take immediate action on receiving any such complaints in the future also. He assured this Court of full co-operation of the police authorities with regard to the endeavours of this Court to uproot all unlawful elements, who are working as alleged advocates in the district of Lucknow.

2. He has prayed for some time to file his affidavit with regard to action taken in each of the matters that have been listed before this Court along with the Bunch. The Commissioner of Police shall ensure that affidavits, which are filed in all such cases be filed by some responsible officer not below the rank of Deputy Commissioner of Police with regard to current status of the investigation/trial.

3. The affidavit that has been filed by Subhash Chandra Pandey on behalf of the Bar Council of U.P. states that in at least 29 such cases of District Lucknow action of suspension of license

for various periods has been taken. In some cases the lawyers have been let off with a warning only. All such cases relate to the period of 2011-2021.

4. This action taken, however, it has been pointed out by the counsel for the Bar Council of U.P. is subject to Appeal before the Bar Council of India. Therefore, this Court feels it appropriate that Bar Council of India should also be impleaded as respondents in these writ petitions so that notice of these alleged lawyers and their unlawful activities is also taken by the Bar Council of India and suggestions be made by it accordingly as to how to curb the same.

5. District Judge has also sent a report, which is kept on record in CRIMINAL MISC. WRIT PETITION No. - 8629 of 2023, which we have perused where he has stated that CCTV footage of the district court campus, which was retrieved is appended to the report and directions have been issued for preserving and providing such footage in case of necessity to the persons concerned. It has also been provided to the Investigating Officer in a pen drive in case crime no. 0283 of 2023 and 0284 of 2023 lodged at Police Station- Wazirganj, District- Lucknow with regard to the incident that occurred on the of the third floor corridor and in front of Judicial Magistrates' Court No. -3 reference of which has been made in our earlier orders. A copy of the report of the District Judge shall be provided on application filed by the Government Advocate to his office by the Registry so that action in pursuance of the same may also be taken by the police expeditiously and the case is brought to its logical conclusion.

6. This Court has gone through the record of Writ Petition No. 9925 (MB) of 2010 and finds several reports have been submitted regarding status of the individual criminal cases that were handed over to the CBCID out of bunch of the 15 cases. There are two report also of the CBI by the concerned Senior Superintendent of Police, who is In-charge of the Special Task Force created by the court, however, the Writ Petition No. 9925 (MB) of 2010 having not been listed after 2013, monitoring of such matters has taken a back seat, which has encouraged antisocial elements posing as lawyers intimidating the common citizens.

7. This Court is, therefore, of the opinion that a fresh report be filed in Writ Petition No. 9925 (MB) of 2010 by the District Judge, DCP, CBCID and the STF, CBI with regard to action taken against such lawyers.

8. In Writ Petition No. 9925 (MB) of 2010, this Court came across 27 complaints that were filed after this Court took suo muto notice of a written complaint of a lawyer (Prashant Singh Gaur) who was prevented from filing his power in favour of the litigants and when he did file his power, he was roughed up in the court premises. All such complaints relate to alleged land grabbing and intimidation by property dealers posing as advocates. Action against such property dealers may be taken strictly by the Government.

9 . The Court in Writ Petition No. 9925 (MB) of 2010 had constituted under the Commissioner of Income Tax (TDS) Lucknow to look into tax evasion, if any, of such property dealers posing as advocates. It is expected that the Commissioner of Income Tax shall file a fresh report regarding action taken against regarding such property dealers because the root cause of such intimidation and violence being meted out to the common citizen is the greed and attraction of getting quick profits out of properties/ lands which are in dispute.

10. A number of suggestions were given in affidavit filed in Criminal Misc. Writ Petition No. 9925 (MB) of 2010 regarding making of Rules for debarring such advocates from appearance in the court concerned. However, some of these lawyers are not actually lawyers and they do not appear in Courts they merely mention their enrollment numbers and their membership of the Central Bar Association on the sign boards that they affixed by them on the disputed properties. It is the responsibility of the Bar Council of U.P. to check whether these advocates are actually advocates or not.

11. It is further expected that such authorities as have been impleaded in Writ Petition No. 9925 (MB) of 2010 as respondents to submit their reports regarding current situation before this Court till the next date of listing.

12. List along with Criminal Misc. Writ Petition No. 25848 (MB) of 2021 (Piyush Shrivastava In Person And Ors. Vs. State of U.P.

and others), Criminal Misc. Writ Petition No. 1254 of 2023 (Qamar Jabeen Siddiqui Vs. State of U.P. and others) and CRIMINAL MISC. WRIT PETITION No. - 2366 of 2022 (Kunwar Singh Yadav Vs. State of U.P. and others).

13. This Court has gone through the pleadings in Criminal Misc. Writ Petition No. 3780 of 2015 including the counter affidavit filed therein and is of the opinion that the matter is purely private dispute, which does not require any further orders from this Court. Therefore, Criminal Misc. Writ Petition No. 3780 of 2015 is de-linked.

14. List this matter on 2.1.2024 along with already connected matter and also along with above mentioned writ petitions except Criminal Misc. Writ Petition No. 3780 of 2015 which has been delinked.

15. The counsel for writ petitioners in such writ petitions which are listed before this Court today shall move appropriate applications for impleadment of necessary and proper properties within a week so that we can pin-point the role that has to be played by such authorities in curbing such unlawful activities by alleged advocates when the case is next listed.

16. The Commissioner of Police need not appear in person on the next date of listing, if he files the necessary affidavit in the meantime. However, it is expected that he may send some responsible officer of the police commissionerate to assist us in the instant matter."

In response thereof, personal affidavit has been filed by the Commissioner of Police, Lucknow, Shri S.B. Shiradkar, which is taken on record. Another counter affidavit has also been filed presumably on behalf of Deputy Commissioner of Police, Lucknow Central, Lucknow Commissionerate who in fact is not a party herein, however, learned A.G.A. says that this is a counter affidavit on behalf of opposite parties no. 3, 4 & 5. Let an affidavit to this effect be filed by the next date.

A copy of the personal affidavit of the Commissioner shall be provided to all the Counsel for the petitioners in all the connected matters so as to enable them to file their response in their petitions and assist the Court.

In pursuance of this Court's order dated 02.12.2023, Smt. Aparna Rajat Kaushik, Deputy Commissioner of Police, Lucknow (Central), Shri Rahul Raj, Deputy Commissioner of Police, Lucknow (West), Shri Kasim Abdi, Deputy Commissioner of Police, Lucknow (North) and Shri Ashish Srivastava, Deputy Commissioner of Police, Lucknow (East) have appeared in person before this Court today. The officers who are present today need not appear again unless specifically called for.

We take note of the submission of Shri Tilhari, learned A.G.A. that in compliance of the said orders, though two affidavits have been filed today, certain more affidavits are under process and he would be placing before the Court all relevant data pertaining to such Lawyers or persons posing as Lawyers who are misusing their position to grab land or indulge in similar activity, not keeping with the vocation. Shri Tilhari also informs us that the Commissioner of Police, Lucknow has constituted a cell for dealing with FIR's / complaints / investigation against Lawyers who are indulging in land grabbing and other illegal / criminal activities. Shri Tilhari, learned A.G.A. has instructions from the Commissioner of Police, Lucknow to state that constitution of the said cell shall be publicized in newspapers and other permissible means including media so that the public comes to know about the same and such activities, as have been referred in our order dated 02.12.2023 and herein above, are curbed at the earliest which would be possible only when requisite information is received from the public in this regard.

Shri Neerav Chitravanshi along with Shri Kushagra Dixit, learned Counsel's appearing for the Income Tax Department says that he wanted to inspect the file relating to Writ C No. 9925 of 2010, as, certain reports were filed earlier but he has not been able to inspect the entire record. If any such application is filed, he shall be permitted to inspect the entire record, as per rules of the Court.

In the meantime, the earlier order dated 02.12.2023 shall be complied by the concerned unless already complied.

In C.R.L.P. No. 3537 of 2023, counter affidavit has been filed on behalf of Deputy Commissioner of Police, Lucknow (North) which is taken on record. Although, the charge sheet has been filed against the concerned opposite parties, as informed by Shri

S.P. Singh, learned A.G.A. but considering the allegations in the petition, as also, other reliefs claimed herein, which are with regard to involvement of police personnel in facilitating illegal grabbing of properties, as these issues are engaging attention in all the connected matters, we will proceed with this petition also, to this extent. Let pleadings be exchanged between the parties. In C.R.L.P. No. 5879 of 2022, counter affidavit of the State is ready but it has not been served. Let it be served and filed in the Registry.

Application for impleadment of Bar Council of India bearing No. 03 of 2023 has been filed in C.R.L.P. No. 8629 of 2023, in pursuance of our earlier order dated 02.12.2023 passed in C.R.L.P. No. 8810 of 2023 which applies in all the petitions. The said applications in the connected petitions are to come up tomorrow, however, as the case is listed today, the same have been requisitioned to this Court today itself. The applications are allowed. Let Dasti notice be issued to the petitioner for service upon newly impleaded Bar Council of India and the Bar Council of India be impleaded in the array of parties during course of the day.

We have seen the office report in relation to Writ C No. 25848 of 2021, Piyush Srivastava In Person & Ors. Vs State of U.P. & Others. The said petition need not be listed with this Bunch of petitions.

This apart, we find that in all these petitions, apart from individual grievances raised herein, the common thread is with regard to certain persons posing themselves to be Lawyers or may be who are actually Lawyers, but are misusing their position to grab or attempt to grab property, as also, create hindrances in the functioning of District Court at Lucknow. One of the petition's which has been connected and listed today is a Public Interest Litigation bearing no. 32524 of 2018. There is another petition bearing Writ C No. 9925 of 2010 in which several orders were passed in the year 2010 and thereafter till 2013, which as informed by members of the Bar who are present today in Court room in large number had a salutary effect on such mischievous Lawyers and the functioning of the District Court's at Lucknow. This petition has not been listed since 2013 and it

has been listed today only after the earlier order passed by us on 02.12.2023. This petition was registered in view of a letter petition sent by Shri Prashant Singh Gaud, a Lawyer practicing in the District Court. In fact, this petition is being treated as petition of a civil nature but the issue involved is similar to the other writ petitions which are listed today in this Bunch and are either of a criminal nature or in public interest.

We are therefore of the opinion that the matter needs to be placed before Hon'ble the Chief Justice for nominating a Bench for hearing all these matters regularly, considering the important issues involved and also to ensure that any question of lack of jurisdiction may not arise for the reasons already stated hereinabove, as, some of the petitions are in public interest whereas others are registered as being of a civil nature or criminal. Let the office do the needful.

The matter shall now be placed before the Bench as nominated by Hon'ble the Chief Justice at the earliest say, if possible, on 17.01.2024, amongst first five cases of the day.

The name of Shri Shiv P. Shukla, learned Counsel for the CBI shall be printed in the cause list when the matter is listed next and he shall seek instructions as to the compliance made in pursuance to the earlier orders passed in Writ C No. 9925 of 2010. It would be better if an affidavit is filed in this regard by the next date.

Shri Tilhari, learned A.G.A. shall communicate this order to Shri Shiv P. Shukla, learned Counsel for the CBI.

Interim order granted earlier in some of the connected petitions of this Bunch is extended till the next date of listing."

19. Today during course of the argument, we are informed by the several members of the Bar that mushrooming of law colleges and the manner in which they are being run is a major factor contributing to lawyers with tainted backgrounds joining the profession who do not engage themselves in regular practice, instead, they take advantage of

their position as lawyers as also the uniform they dawn and indulge in activities which are not in keeping with the high professional standards required by lawyers. Such persons bring a bad name to the entire profession, therefore, this Court should look into this aspect of the matter also. It was alleged that in many Law Colleges admission is back dated and without any study the student secures the degree.

20. Keeping in mind the aforesaid, as Shri Shailendra Pathak, learned counsel for the Bar Council of India and Shri Subhash Chand Pandey, learned counsel for the Bar Council of U.P. are also present, we direct the aforesaid to place before us a list of Law Colleges which may have been granted permission by the Bar Council of India for being run within the territorial limits of this High Court sitting at Lucknow. Details of date of commencement of studies in the said colleges would be mentioned, apart from the fact as to how many students have been admitted by such colleges every year, whether there is any provision in place under which such law colleges are required to intimate to the university concerned with which they are affiliated or associated specific names of the law students who have been enrolled for a particular year in various courses or not.

21. We have considered this aspect in the context of issues pending consideration in **Writ C No. 9925 of 2010** and **Public Interest Litigation (PIL) No. 32524 of 2018**, as, these issues which have a bearing on the functioning of the courts, especially the district courts

as also the standards of professional conduct to be maintained by Advocates, are thrashed out and some sort of monitoring is done.

22. In continuation of our earlier orders dated 17.01.2024 under which, as informed on the last date, a Special Cell has been constituted by the Commissioner of Police, Lucknow, we wish to clarify that the said Cell will monitor complaints/criminal cases involving allegations of land/house grabbing either by Advocates or those posing to be Advocates may be in connivance with others including police personnel and other serious offences such as, allegation of disruption of Court activities or allegation of attempt to influence any litigant, witness or Advocate in the context of any Court proceedings or actually pressurizing them so as to affect such judicial proceedings etc. However, in this process, innocent lawyers who may have a genuine dispute with somebody, would not be harassed. Our orders nor the constitution of the said Cell will be used to harass such innocent lawyers. The intent is to identify black-sheep in the fraternity but not to paint all lawyers with the same brush. This should be kept in mind. We clarify our earlier orders accordingly.

23. We also specifically provide that if in the course of such monitoring or investigation of such criminal cases, it is found that certain police personnel were also involved with such unscrupulous elements including Advocates or those posing to be Advocates, then

their role should be scrutinized and investigated so as to make them accountable.

24. At this stage, some of the counsel appearing in the connected petitions submitted that there are other writ petitions which require hearing. We will hear those petitions on the next date i.e., 24.01.2024.

25. List this case on 24.01.2024 amongst first ten cases of the day.

26. Interim order, granted earlier, in some of the connected petitions of this bunch is extended till the next date of listing.

27. This order shall not come in the way of the court below in proceedings with the criminal case in which charge-sheet has been filed as referred above and taking the proceedings to their logical conclusion as per law.

(Narendra Kumar Johari, J.) (Rajan Roy, J.)

Order Date :- 19.1.2024
Shravan