

Court No. - 5

Case :- MATTERS UNDER ARTICLE 227 No. - 4868 of 2025

Petitioner :- Mohd. Najim Khan

Respondent :- The Tahsildar / Assistant Collector First Class,
Pargana. Tahsil Rudauli, Ayodhya And Another

Counsel for Petitioner :- Ved Prakash Sharma, Navneet Kumar
Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur, J.

1. Heard Sri Ved Prakash Sharma, learned counsel for petitioner as well as learned Standing counsel on behalf of respondent No.1.
2. By means of instant petition prayer has been made by the petitioner to expedite the proceedings of case No.1587 of 2024, computerized case No.T202404230701587 (Gaon Sabha Vs. Riyaz) under Section 67 of U.P. Revenue Code relating to Village Kudha Sadat, Pargana, Tehsil Rudauli, District Ayodhya.
3. Along with the petition a copy of the order sheet has been filed from 12.3.2024 to 18.7.2025, a perusal of which it reveals that out of the 102 dates fixed in the case on 68 dates the case was adjourned due to call for boycott or condolence by the local bar association. Surprisingly, for the last 21 dates from 27.5.2025 on each date the case has been adjourned on account of call for boycott by local bar association.
4. The issue which has been raised before this Court requires serious consideration. On one hand, the proceedings before the revenue court are pending endlessly and the poor litigants having no other redress approaches this Court under Article 226/227 of the Constitution of India seeking a direction for expeditious disposal of the said proceedings but it has noticed that more or less of each date the proceedings cannot take place due to strikes by the local bar association.
5. This court as well as Hon'ble Apex Court have considered this aspect and passed various orders requesting the bar

associations not to recklessly go on strikes. It is surprising that out of the 102 dates fixed in the case on 68 dates the case was adjourned due to call for boycott or condolence by the local bar association. Surprisingly, for the last 21 dates from 27.5.2025 on each date the case has been adjourned on account of call for boycott by local bar association.

6. Prima facie, the proceedings could not take place due to strikes of the bar association and hence the case could not proceed in accordance with law.

7. It is submitted that frequent call of strikes by the bar association is in gross violation of the judgments of the Hon'ble Supreme Court in the cases of ***Ex-Capt. Harish Uppal Vs. Union of India and another*** reported in 2003 (2) SCC 45 and ***Hussain and another Vs. Union of India*** reported in 2017 (5) SCC 702 as well as of this Court in the case of ***Vinod Kumar Vs. Naib Tehsildar, and Ors., Misc. Single No. 23446 of 2019.***

8. Hon'ble the Supreme Court vide order dated 28.02.2020 passed in ***District Bar Association, Deharadun through its Secretary Vs. Ishwar Shandilya & Ors, Special Leave petition (Civil) No. 5440 of 2020***, has held as under:-

"35. In conclusion, it is held that lawyers have no right to go on strike or give a call for boycott, not even on a token strike. It is held that lawyers holding vakalatnamas on behalf of their clients cannot refuse to attend courts in pursuance of a call for strike or boycott. All lawyers must boldly refuse to abide by any call for strike or boycott. No lawyer can be visited with any adverse consequences by the Association or the Council and no threat or coercion of any nature including that of expulsion can be held out. It is held that no Bar Council or Bar Association can permit calling of a meeting for purposes of considering a call for strike or boycott and requisition, if any, for such meeting must be ignored. It is held that only in the rarest of rare cases where the dignity, integrity and independence of the Bar and/or the Bench are at stake, courts may ignore (turn a blind eye) to a protest, abstention from work for not more than one day. It is being clarified that it will be for the court to decide whether or not the issue involves dignity or integrity or independence of the Bar and/or the Bench"

9. In the aforesaid circumstances, learned counsel for petitioner is directed to implead the President and the General Secretary of the Rudauli Bar Association, Tehsil Rudauli, District Ayodhya as respondent No.s 3 and 4 in the memo of the petition. The aforesaid impleadment shall be carried out during the course of the day.

10. In view of the above, professional misconduct of aforesaid lawyers/office bearers may also amount to contempt of court.

11. Accordingly, issue notice to newly added respondent No.s 3 and 4 to show cause through counsel as to why appropriate proceedings should not be initiated against them for frequently calling for strikes of the bar association due to which the judicial work of the revenue courts is affected which is amount to willful disobedience of the judgment passed by Hon'ble Supreme Court in the case ***Ex-Capt. Harish Uppal*** (Supra), ***Hussain*** (Supra), ***District Bar Association Dehradun*** (Supra) as well as direction of the Court in Writ Petition N. 20263 (MS) of 2021.

12. Learned counsel for the petitioner shall take steps within one week.

13. List this case on 2.9.2025 on which date the newly impleaded opposite parties shall appear in person before this Court along with personal affidavit explaining the call for boycott on regular basis due to which adjudication of revenue disputes in Tehsil Rudauli, District Ayodhya has come to a grinding halt and why appropriate action be not taken against them for creating such sorry state of affairs which is the direct result of their conduct.

(Alok Mathur, J.)

Order Date :- 14.8.2025

RKM.