

Court No. - 1

Case :- WRIT - A No. - 12384 of 2024

Petitioner :- Sita Ram And Anr.

Respondent :- State Of U.P. Thru Prin.Secy. Legislative
Section 1 Legislative Deptt. Lko And Ors.

Counsel for Petitioner :- Nimish Gupta

Counsel for Respondent :- C.S.C.

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Subhash Vidyarthi,J.

1. Heard Shri Nimish Gupta, learned counsel for the petitioners and the learned Additional Chief Standing Counsel representing the State-respondents.

2. At the outset, the learned Additional Chief Standing Counsel representing the State-respondents has placed a copy of the order dated 29.08.2023 passed by the Hon'ble apex court in Writ Petition (Civil) No.1458/2020 which reads as under:

"1. An adjournment letter has been moved by learned counsel for the respondents on account of non-availability of the learned Attorney General, who is engaged before the Constitution Bench.

2. List on 03rd October, 2023."

3. It is not in dispute that the subject matter of the present writ petitions and the matter before the Hon'ble apex court fixed on 14.01.2025 is one and the same i.e. the validity of U.P. Act No.1 of 2021 which was previously brought in through an Ordinance giving rise to the writ petition before the apex court under Article 32 of the Constitution of India.

4. Simultaneous proceedings before this Court and Hon'ble

apex court on one and the same subject can not proceed for the reason that the time frame within which the courts of law function is a public property and its use can't be allowed to achieve futile results. We have no manner of doubt that this Court is bound by the decision of Hon'ble the apex court on the same issue.

5. The question that arises is whether the Court may proceed or discharge the proceedings under some protection to the petitioners. It is to be noted that the consequences which are to fall as a result of pending proceedings before the apex court are clear. The vires of the Act shall either be upheld or turned down. In case the vires of the impugned Act is upheld, all the writ petitions in that event are liable to be dismissed and on the result of proceedings being otherwise, the writ petitioners shall be entitled to the benefit of the judgment accordingly and the State shall obey the verdict in favour of the petitioners to the extent applicable.

6. Having clarified the position as above, we hereby ***dispose of*** the present writ petition accordingly and the protection so granted shall *mutatis mutandi* apply. We equally leave it open to the parties to avail the opportunity of hearing before the apex court, if so advised.

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(Subhash Vidyarthi, J.) (Attai Rahman Masoodi, J.)

Order Date :- 19.12.2024
Ram.