HIGH COURT OF TRIPURA
AGARTALA

WP(C)PIL No.5/2020

For Petitioner(s) : None.

For Respondent(s) : Mr. D.Bhattacharjee, GA.

HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI
HON'BLE MR. JUSTICE S.G.CHATTOPADHYAY

O R D E R

07.12.2020
(Akil Kureshi, C.J.)

In view of Nationwide lockdown announced in March, 2020 to control the spread of corona virus, the High Court had issued notifications on 20th March,2020 & 24th March, 2020 making special arrangements for High Court and subordinate courts' working. In view of this extra ordinary situation in this Public Interest Petition suo moto initiated by the High Court, an order was passed on 27th March, 2020, relevant portion of which reads as under:

> **"To obviate such difficulties which have arisen on account of unprecedented situation, in this public interest petition(suo Motu) instituted by the High Court, in exercise of powers under Articles 226 and 227 of the Constitution of India and Section 482 of the Cr.P.C, it is provided as under :**
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> > **(1) All interim orders passed by the High Court, subordinate Courts including Family Courts, and Tribunals functioning in the State under the supervision of the High Court under Article 227 of the Constitution of India which were subsisting on 20th March, 2020 and which were to inure till a particular date, shall automatically stand extended till 30th April, 2020, unless vacated or modified by a judicial order already passed or may be passed hereafter.**
> >
> > **(2) All orders passed by the High Court and the subordinate Courts in exercise of criminal jurisdiction granting bail, temporary bail, payrole or interim protection in an anticipatory bail application or any other proceedings for a limited period which were in operation on 20th March,**

> **2020 and which are likely to expire before 30th April, 2020 shall automatically extend up to 30th April, 2020 unless modified or vacated by a judicial order.**
>
> **(3) If these extensions cause hardship to any party, subject to following the procedure for taking up urgent cases as notified by the high Court, it would be open for such party to press for vacating or modifying such order and it would be open for the concerned Court to examine such request and to dispose it off in accordance with law….."**

[**2**] This interim order continued from time to time which was lastly extended till 25.11.2020 under order dated 05.10.2020. The PIL was posted for hearing on 23.11.2020. On 23.11.2020 on account of sad demise of the Advocate General, Shri A.K.Bhowmik, the PIL could not be taken up for hearing and it was adjourned till today. However, the interim arrangements made earlier under order dated 27.03.2020 and continued from time to time, due to oversight was not extended. Ex-post facto the same stands extended till today.

[**3**] After passing of the said order dated 27.03.2020, situation of corona virus in the state has considerably improved, as a result of which the High Court has made major modifications in the court workings. The District courts are working with full physical presence. In the High Court the matters are heard through physical as well as virtual courts. The lawyers and litigants are also able to attend to the matters. In view of these changed circumstances, it is no longer necessary to continue the umbrella protection of all interim orders. ***However, to enable the parties to seek extensions of interim orders, it is further provided that the interim arrangements under order dated 27.03.2020 shall continue for a period of one week from today or till the particular case in which the interim orders were passed***

earlier is listed before the appropriate court for the first time hereafter, whichever is later.

[**4**] Public Interest petition is disposed of with these directions.

(S.G.CHATTOPADHYAY), J **(AKIL KURESHI), CJ**

Saikat Sarma