

No. 1680/SPL/Gaz-II Dated 23/9/2021

From

The Registrar General,
Punjab and Haryana High Court,
Chandigarh

To


1. All the District and Sessions Judges in the State of Punjab.
2. All the District and Sessions Judges in the State of Haryana.
3. The District and Sessions Judge, Union Territory, Chandigarh.

Re: Instructions.

Sir/Madam

I am directed by Hon'ble the Chief Justice to convey to you that w.e.f. 01.10.2021, endeavour be made to adhere to the disposal norms fixed by this Court. However, while doing so, all precautionary measures as advised by the government authorities in wake of the pandemic COVID-19 be taken.


I am further directed to convey to you that orders dated 23.09.2021 passed by this Court in CWP-PIL No.77 of 2021 titled as '*Court on its motion vs. Union of India and others*' be brought to the notice of all the judicial officers posted in your Sessions Division for strict compliance thereof.


29.9.2021
(Sanjiv Berry)

OFFICE OF THE DISTRICT & SESSIONS JUDGE, GURDASPUR

Endst. No. 16477/P24 Dated 01-10-2021

Seen. Copy along with its enclosures be sent to all the Ld. Judicial officers of this Sessions Division for information and necessary action. Its receipt be acknowledged.


(Ramesh Kumari)
UID No. PB0039
District & Sessions Judge,
Gurdaspur.

CM Nos. 69-2021, 70-2021, 71-2021, 75-2021 and
CM Nos. 28-2021, 29-2021, 31-2021 and 32-2021 in and
CWP-PIL No. 77 of 2021

Court on its own motion vs. Union of India and others

Present:- Mr. Anupam Gupta, Sr. Advocate (Amicus Curiae) with
Mr. Gautam Pathania, Advocate,
Mr. Pardeep Sharma, Advocate and
Mr. Sukhpal Singh, Advocate.

Mr. Satya Pal Jain, Addl. Solicitor General of India with
Mr. Dheeraj Jain, Sr. Panel Counsel for UOI.

Mr. B.R. Mahajan, Advocate General, Haryana with
Mr. Deepak Balyan, Addl. Advocate General, Haryana.

Mr. Namit Kumar, Advocate and
Mr. Sumeet Jain, Advocate, for Union Territory, Chandigarh.

Ms. Lavanya Paul, Assistant Advocate General, Punjab.

Mr. Shekhar Verma, Advocate for the applicants in
CM Nos. 69-2021, 70-2021, 71-2021, 75-2021.

Mr. C.S. Bagri, Advocate for the applicants in
CM Nos. 28-2021, 29-2021, 31-2021 and 32-2021.

Mr. Chanchal K. Singla, Advocate-Secretary,
Punjab and Haryana High Court Bar Association.
Mr. Arvind Seth, Advocate.

(The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual Court)

* * * *

CM Nos. 69-2021, 70-2021, 71-2021, 75-2021

Heard the learned counsel for the bank regarding the prayer to
auction properties.

This Court vide order dated 20.08.2021 has already clarified the
application, effect and import of paragraph (x) of the initial order passed by
this Court on 28.04.2021 to the effect that the interim protection granted
under the original paragraph (x) was restricted and confined only to those
properties, which were residential in nature and were occupied by the
owners and their dispossession at that stage would have rendered the

occupants homeless. In other words, vide our order dated 20.08.2021, we clarified that all other auction proceedings can go on as we had not granted any stay in respect of those properties which were not residential or even if residential or commercial were unoccupied and possession of which had already been taken over by the banks.

In the circumstances and in view of our order dated 20.08.2021, no further orders are required to be passed by this Court in the present Civil Miscellaneous Applications. Therefore, the Bank authorities were/are free to proceed in the matter keeping the above parameters in mind. It is further clarified that where the borrowers themselves have voluntarily surrendered the property to the banks, in those cases also the banks are at liberty to proceed in the matter in accordance with law.

With these observations, all the above applications are disposed of.

CWP-PIL No. 77 of 2021 (main case)

We have heard the learned Amicus-Curiae as well as the learned counsel for the parties on the issue raised by Mr. Singla, learned counsel and Secretary appearing for High Court Bar Association regarding dilution/modification of the directions issued by this Court in paragraphs (i) and (xi) of the order dated 28.04.2021.

After hearing all the learned counsel for the parties as well as the learned Amicus Curiae, the directions contained in paragraph (i) of the order dated 28.04.2021 are clarified/modified to the extent that the interim orders/directions or protection or compliance required to be done, granted by the Courts, Tribunals or judicial forums mentioned therein, shall not be

automatically continued and shall be taken up by the Courts on the day fixed and may or may not be continued by the Courts after application of mind and hearing the counsel for the parties. In other words, the Courts, Tribunals or other judicial forums would be free to continue, modify or recall, as the case may be, the interim orders, in case it is of the opinion that the direction contained in paragraph (i) of the order dated 28.04.2021 is being misused or abused, otherwise, it may extend it upto the date fixed by the Courts.

As far as paragraph (xi) of the order dated 28.04.2021 is concerned, it is clarified to the extent that the prohibition etc. contained therein shall not apply to the orders, directions etc. which are required to be complied with and are meant for the benefit of the litigant or public at large.

As far as the continuation of the interim directions contained in the order dated 28.04.2021, as clarified by this Court from time to time, is concerned, all the learned counsel for the parties appearing before this Court conjointly agree that the same should be continued and extended with all clarifications made subsequently, up to 15.11.2021. It is ordered accordingly.

List on 10.11.2021.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

23.09.2021
Ravinder