

Court No. - 4

Case :- WRIT - A No. - 19382 of 2024

Petitioner :- Ashutosh Kumar Pathak

Respondent :- State Of Up And 3 Others

Counsel for Petitioner :- Atul Kumar Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar,J.

1. Heard learned counsel for the petitioner as well as learned Standing Counsel.
2. By means of this petition filed under Article 226 of the Constitution, petitioner has challenged the order passed by the Prescribed Authority dated 08.11.2024 granting release in favour of the landlord/ respondent.
3. In the considered view of the Court, petitioner has an statutory alternative remedy of filing rent appeal under Section 35 of the U.P. Regulation of Urban Premises Tenancy Act,, 2021.
4. Upon a pointed query being made, learned counsel for the petitioner Mr. Atul Kumar Pandey states that lawyers are on strike in district Ghaziabad and therefore, it is difficult for the petitioner to get justice.
5. I am afraid to know that the litigants are not getting justice from courts of law despite there being statutory remedy available and are compelled to apply to this Court only for the reason that there is strike by the lawyers in the concerned district.
6. In my considered view even if there is strike by lawyers, the judicial officers must discharge their judicial function and if litigants want to argue their cases, the district administration in consultation with the District Judge must provide police protection. No one can be rendered remedy-less for lawyers sitting on strike. The Court is also of the considered view that no lawyer can restrain a judicial officer from discharging judicial function nor, lawyers can restrain any litigant from entering the courts of law.
7. Lawyers belong to a noble profession and I expect that lawyers shall never restrain any litigant from approaching courts in district judgship for justice. It is accordingly provided that in the event

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petitioner prefers statutory appeal before the Rent Tribunal which is presided over by a judicial officer of the judgship concerned, within a period of two weeks from today and in the event any such appeal along with stay application is filed, the learned judicial officer / presiding judge of the Tribunal would be passing orders upon the stay application filed along with the appeal even if the strike of lawyers continues. The proper order shall be passed within a period of one week of presentation of appeal along with the stay application.

8. With these observations and directions, this petition stands **disposed of.**

Order Date :- 6.12.2024

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