

PBBJ:  
19.03.2020

W.P.No.41189/2017

**ORDER**

Pursuant to the order dated 05.03.2020, objections have not been filed in the present petition.

Shri Manjunath Prasad, the Principal Secretary, Revenue Department and Shri Vastradmutt, the Law Secretary are present.

Law Secretary is hereby directed to take necessary steps in issuing general circular to each and every department, wherever representations of the persons are pending consideration. The same shall be considered on war-footing basis. In this regard, a special drive shall be undertaken by each and every department. Since, this Court has come across in number of cases including matter relating to the year 2014 and 2015, wherein it is found that there is inaction on the part of the concerned department/officials either accepting concerned persons representation or rejecting. In other words, duty is cast

on the concerned official to discharge his/her duties of the post held by each of the official. If the grievance of the persons is under statute, it is required to be considered within reasonable period of three months. In other words, Officials/Executives shall not expect judicial pronouncement in each and every matter even for consideration of representation/s. They owe duty in considering the grievance of the persons which are pending before the department/officials at the earliest, within a reasonable period of three months. The Execution is one of the key functions of a State. Its role is to implement the laws that have been framed by the Legislature and the policies of a Government with rise of welfare states the need for organized State Functions has also risen and Execution is one of the most crucial functions. In this regard, Law Secretary shall take necessary steps for issuing general circular in consultation with DPAR. Circular must contain 'How to follow up Court cases' i.e., from the stage of a copy of Writ Petition/Application etc., received from the High Court and its disposal and filing of further appeal etc, and other forums while maintaining register to undertake review on monthly or once in three months, while fixing responsibility to officers to avoid delay in taking steps like;

### **"How to follow up Court cases.**

- (a)** A copy of writ petition received from the High Court of Karnataka shall be entered in the Register maintained for that purpose.
- (b)** Delay should be avoided in taking appropriate steps.
- (c)** If any interim direction (stay) is received without instructions appeal shall be filed against such interim orders.
- (d)** Advancement petition shall be filed through Law Officer in fit cases. If there is scope for filing Writ Appeal/Revision/ Review the same shall be filed through the O/o the Law Officer.
- (e)** When the High Court judgment is received the same shall be entered in the register maintained for that purpose.
- (f)** If the time limit is not specified in the judgment the modification if any shall be completed within two weeks.
- (g)** If there is scope for filing Writ Appeal against the High Court decision the proposal together with details of remarks, assessment records, appellate orders to the competent officer/authority within 7 days of receipt of the appellate order.
- (h)** The time limit prescribed for filing Writ Appeal before the High Court is to be adhered.
- (i)** A monthly report as to the implementation of judgments and filing of writ appeal in fit cases shall be submitted to the competent authority.
- (j)** The time limit prescribed for filing review before Hon'ble High Court is within 30 days and for filing SLP before Hon'ble Supreme Court is 90 days.

- (k) If direction of the court is not complied within the time limit prescribed by the Court a non-compliance statement as to the reasons for the delay in complying the direction along with an affidavit to be filed by assessing authority.
- (I) SLP shall be filed if aggrieved by the order of High Court where a question of law is involved.

**Other important follow up actions:**

- (m) Preparation of statement of facts and filing affidavit is the most important action at the time of any litigation follow up.
- (n) At State level in the Web portal under Legal section maintain a repository of important cases/ case laws/ model statement of facts/ detailed affidavits.
- (o) Once in a month a work shop at State level to be arranged to discuss legal issues/ cases/ case studies on a fixed day fixed time basis”

In the light of the above observation necessary guideline may be issued, if the above exercise is undertaken timely by the Government, Government can save time and money.

The aforesaid action is required for the reasons that in number of cases, where orders were passed in favour of the litigant. If there is delay in implementation, Government/Department have to shell down certain amount along with interest. In other words, such money is

being paid from the State Exchequer for which tax payer's money shall not be utilized.

A copy of this order shall be handed over to the learned State Counsel so as to reach the same to the Law Secretary/Principal Secretary, Revenue Department, to take further action.

For compliance report, list on 02.07.2020. In the meanwhile, respondents to file objections in the main petition.

Personal appearance of the Principal Secretary, Revenue Department and the Law Secretary are dispensed until further orders.

List for further orders on 02.07.2020.

**(P.B.BAJANTHRI)**  
**JUDGE**

AV/DS