

CIRCULAR

The Hon'ble Division Bench vide order dated 02.09.2021 in WP No.10338/2021 has made certain observation and direction, which reads as under;

“Learned AGA accepts notice for respondent No.1.

Since first respondent is on advance notice, question of issuing fresh notice to respondent No.1 does not arise. Even in the cause list also the name of learned GA is printed, for this reason also there is no necessity to take steps for issuance of fresh notice to respondent No.1.

It is noticed that wherever the State Government is made a party and notice is ordered, registry is insisting for payment of process fee by the learned counsel appearing for petitioners.

When Rule 4 of Writ Proceedings Rules, 1977 mandates issuance of advance copy and registry would not number the matters until and unless the copy is served on the office of the Advocate General, question of once again paying process fee for issuance of fresh notice to the State would not arise.

The Registrar (Judicial) to place the file before the Hon'ble Chief Justice and on obtaining orders from Chief Justice shall issue Circular of there being no necessity for paying fresh process particularly when copy of the writ petition has already been served on the State Government and also when name of the State Government is printed in the cause list. Hence, we hereby order that petitioners are not required to serve copy on the first respondent or pay fresh process fee for issuance of notice to first respondent.

Await service of notice on respondent No.2.

Re-list this matter on 19.10.2021”.

Therefore, the Officers and Officials working on the judicial side at Principal Bench, Bengaluru, Benches at Dharwad and Kalaburagi are hereby directed not to insist process fee for issuance of notice to respondent – State Government, whenever the State Government is arrayed as respondent, particularly when copy of writ petition has already been served on the State Government and also when the name of the State Government is printed in the cause list. Any lapse in this regard shall be viewed seriously.

BY ORDER OF THE HON'BLE COURT

Sd/-

**(K.S.BHARATH KUMAR)
REGISTRAR (JUDICIAL)**

To:

1. The Addl. Registrar General, High Court of Karnataka, Benches at Dharwad and Kalaburagi
2. The Central Project Co-ordinator, with a request to web-host the circular.
3. P.S. to Hon'ble the Chief Justice.
4. All the Private Secretaries to Hon'ble Judges.
5. All the PAs to Registrars with instructions to bring to the notice of the concerned Registrars about the circular.
6. The Chairman, Karnataka State Bar Council, Old KGID Building, Bengaluru.
7. The President, Advocates' Association, Bengaluru.
8. The President, Advocates' Association, High Court of Karnataka, Dharwad/Kalaburagi Bench.
9. Office of the Advocate General in Karnataka, Bengaluru.
10. Office of the Advocate General, High Court of Karnataka Dharwad/Kalaburagi Bench.
11. The President, Women Federation of Lawyers, Bengaluru
12. P.A. to Registrar (Judicial), with a request to circulate the same to all the Court Officers and Asst. Court Officers of this office.
13. Group 'A' Officers working on judicial side.
14. All the Section Officers, working on judicial side, with a direction to circulate the same to the Staff working under their control.