

HIGH COURT OF KARNATAKA, BENGALURU

November 27, 2020

NOTICE

A Division Bench headed by Hon'ble the Chief Justice in Writ Petition No 6435 of 2020 and connected matters, passed an order on April 16, 2020, extending all the interim orders passed by the Karnataka High Court, all the District Courts, Civil Courts, Family Courts, Labour Courts, Industrial Tribunals and all other Tribunals in the State, over which the High Court of Karnataka has power of superintendence, which were due to expire within a period of one month from that day, for a further period of one month.

The Division Bench had extended the above order dated April 16, 2020 from time to time, which will expire on November 29, 2020.

The matter was again listed on November 26, 2020 and the Division Bench passed the following order:

"Our attention is invited to the order dated 4th August 2020 by which, the order dated 16th April 2020 was extended till 30th September 2020. The material part of the order dated 16th April 2020 in paragraph 35 reads thus:

"Our attention is invited to our Order dated 24th March, 2020 and in particular, the direction regarding extension of interim orders. The directions are

contained in clause (i) to (iii). Clause (iv) is regarding agencies and instrumentalities of the State Government taking action of demolition and eviction. The material part of the said order read thus:

"Only with the view to ensure that citizens are not deprived of their right to approach the Courts of law, we propose to exercise our jurisdiction under Articles 226 and 227 of the Constitution of India by issuing certain directions. The directions are required to be issued to ensure that litigants should not suffer on account of their inability to approach the Courts of law. We issue the following directions:

- (i) All interim orders passed by the Karnataka High Court, all the District Courts, Civil Courts, Family Courts, Labour Courts, Industrial Tribunals and all other Tribunals in the State over which this Court has power of superintendence, which are due to expire within a period of one month from today, will continue to operate for a period of one month from today. We, however, make it clear that those interim orders which are not of a limited duration and are to operate till further orders will remain unaffected;*
- (ii) If the Criminal Courts in the State have granted bail orders or anticipatory bail for a limited period which are likely to expire in one month from today, the said orders will stand extended for a period of one month from today;*

- (iii) If any orders of eviction, dispossession or demolition are already passed by the High Court, District or Civil Courts, the same shall remain in abeyance for a period of one month from today;*
- (iv) Considering the fact that it will be practically impossible for the citizens to approach the Courts for redressal of their grievances for a period of twenty-one days specified in the order of the Ministry of Home Affairs dated 24th March 2020, we sincerely hope that the State Government, Municipal Authorities and the agencies and instrumentalities of the State Government will be slow in taking action of demolition and eviction of persons.*

This order be published in the official website of this Court. A soft-copy of this order shall be sent to all concerned Courts and Tribunals; the learned Advocate General; the learned Additional Solicitor General of India; the learned Assistant Solicitor General of India; State Public Prosecutor and the Chairman of Karnataka State Bar Council. We request the Chairman of the Bar Council to circulate this order to all the Bar Associations in the State."

2. After 29th September 2020, the functioning of the Courts in the State has considerably improved. However, in some areas of the State, still a large number of COVID-19 positive cases are being reported. We, therefore, deem it proper to extend the interim order/orders mentioned

in clauses (i) to (iii) of the order quoted above till 7th January 2021.

3. Sri V. Sreenidhi, the learned counsel appearing for Bruhat Bengaluru Mahanagara Palike expresses an apprehension that in view of continuation of the order, even the interlocutory applications in which interim orders have been passed may not be decided. While we are extending the interim order, we make it clear that the continuation of the order will not prevent the Courts from hearing the interlocutory applications on which interim or ad-interim orders have been passed.

4. We also make it clear that if any applications are made for vacating the interim orders or ad-interim orders, the Courts will take up those applications for hearing.

*5. Subject to the above clarification, we direct that the interim orders mentioned in clauses (i) to (iii) of the order quoted above shall stand extended till **7th January 2021**. Even the closure for the purposes of Section 4 of the Limitation Act, 1963 deserves to be extended till then."*

BY ORDER OF HON'BLE THE CHIEF JUSTICE

Sd/-
(Rajendra Badamikar)
Registrar General