IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

WEDNESDAY, THE 9TH DAY OF APRIL 2025 / 19TH CHAITHRA, 1947

WA NO. 1571 OF 2024

AGAINST THE JUDGMENT DATED 10.09.2024 IN WP(C) NO.39289 OF 2023 OF HIGH COURT OF KERALA

APPELLANTS:

1 ABDULLA. H. NAUSHAD
AGED 28 YEARS
S/O. HASSAN NAUSHAD, PUNNARAM, NELLETTIL P.O,
POOTHAKKULAM, BHOOTHAKULAM, KOLLAM, PIN - 691302

2 ANILA NAUSHAD
AGED 68 YEARS
W/O. HASSAN NAUSHAD, PUNNARAM, NELLETTIL P.O,
POOTHAKKULAM, BHOOTHAKULAM, KOLLAM, PIN - 691302

BY ADVS.
SRI.P.RAMAKRISHNAN
SMT.PREETHI RAMAKRISHNAN (P-212)
SRI.PRATAP ABRAHAM VARGHESE
SRI.ASHOK MENON
SRI.MAHESH SANKARASUBBAN SAHASRANAMAN

RESPONDENTS/RESPONDENTS:

1 THE STATE OF KERALA TRANSPORT DEPARTMENT
THROUGH ITS SECRETARY, GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

2 TRANSPORT COMMISSIONER
VANCHIYOOR , THIRUVANANTHAPURAM, PIN - 695035

**3 REGIONAL TRANSPORT OFFICER
ENFORCEMENT OFFICE OF THE DISTRICT REGISTRAR, FIRST FLOOR, TRANSPORT BHAVAN, S STREET RD, FORT, EAST FORT, PAZHAVANGADI, THIRUVANANTHAPURAM, KERALA, PIN - 695023**

**4 THE REGIONAL TRANSPORT OFFICER
TRIVANDRUM 5TH FLOOR, KSRTC TERMINAL, THAMPANOOR, THIRUVANANTHAPURAM, KERALA –, PIN - 695023**

**5 THE REGIONAL TRANSPORT OFFICER KOLLAM
NEAR ANANDAVALLEESWARAM TEMPLE, CIVIL STATION, ANANDAVALLEESWARAM, KOLLAM, KERALA, PIN - 691013**

**6 REGIONAL TRANSPORT OFFICER
ENFORCEMENT NEAR ANANDAVALLEESWARAM TEMPLE, CIVIL STATION, ANANDAVALLEESWARAM, KOLLAM, KERALA, PIN - 691013**

**7 KERALA STATE ROAD TRANSPORT CORPORATION
TRANSPORT BHAVAN FORT PO THIRUVANTHAPURAM REPRESENTED BY ITS MANAGING DIRECTOR, PIN - 695023**

**ADDL.R8 UNION OF INDIA (ADDITIONAL R8 IMPLEADED)
REPRESENTED BY THE SECRETARY, (ROAD TRANSPORT AND HIGHWAYS) MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, TRANSPORT BHAVAN-1, PARLIAMENT STREET, NEW DELI-110001 (ADDL.R8 IS IMPEADED AS PER ORDER DATED 24.10.2024 IN IA 1 OF 2024 IN WA 1571 OF 2024)**

**BY ADVS.
SRI.DEEPU THANKAN
SMT.VINEETHA BOSE(K/001438/2023)
SMT.CINDIA S.(K/1915/2021)
SMT.GAYATHRI G.(K/001227/2023)
BY SPECIAL GOVERNMENT PLEADER SRI.P.SANTHOSH KUMAR**

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 09.04.2025, ALONG WITH WA.2203/2019, 2295/2019 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

WEDNESDAY, THE 9TH DAY OF APRIL 2025 / 19TH CHAITHRA, 1947

WA NO. 2203 OF 2019

AGAINST THE ORDER DATED 30.09.2019 IN WP(C) NO.14695 OF 2019 OF HIGH COURT OF KERALA

APPELLANT/PETITIONER IN WP(C):

**M/S.SRS TRAVELS,
NO.321 TSP ROAD, OPP.BMC KALASIPALYAM, BANGALORE-560002, REPRESENTED BY ITS ASSISTANT MANAGER, COCHIN-SHRI SREEKANTH B.S., S/O.BABU RAJENDRAN, AGED 35 YEARS, RESIDING AT SARADALAYAM, PUNNAMADA WARD, AVALOOKUNNU P.O., ALAPPUZHA- 688006.**

**BY ADVS.
SMT.SUMATHY DANDAPANI (SR.)
SRI.MILLU DANDAPANI**

RESPONDENTS/RESPONDENTS:

1. **STATE TRANSPORT AUTHORITY, THIRUVANANTHAPURAM- 695014, REPRESENTED BY ITS SECRETARY.**

2. **SECRETARY, STATE TRANSPORT AUTHORITY, THIRUVANANTHAPURAM- 695014.**

3. **KARNATAKA STATE TRANSPORT AUTHORITY, 1ST FLOOR, TTMC BUILDING, SHANTHINAGAR, BANGALORE-560027, REPRESENTED BY ITS SECRETARY.**

BY SPECIAL GOVERNMENT PLEADER SRI.P.SANTHOSH KUMAR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 09.04.2025, ALONG WITH WA.1571/2024 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

WEDNESDAY, THE 9TH DAY OF APRIL 2025 / 19TH CHAITHRA, 1947

WA NO. 2295 OF 2019

AGAINST THE JUDGMENT DATED 30.09.2019 IN WP(C) NO.13327 OF 2019 OF HIGH COURT OF KERALA

APPELLANT/PETITIONER IN WP(C):

SANITHJAN.S
AGED 32 YEARS
S/O.SADEERJAN, 104/04, NEXT TO SV HOSPITAL, HOSUR MAIN ROAD, MADIWALA, BANGALORE, KARNATAKA-560068.

BY ADV K.V.GOPINATHAN NAIR

RESPONDENTS/RESPONDENTS IN WP(C):

1 **THE STATE OF KERALA,**
REPRESENTED BY SECRETARY, TRANSPORT DEPARTMENT (B),
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.

2 **TRANSPORT COMMISSIONER,**
TRANS TOWER, VAZHUTHACAUD, THIRUVANANTHAPURAM-695001.

3 **THE REGIONAL TRANSPORT OFFICER,**
CIVIL LINES, S FORT ROAD, KENATHUPARAMBU, KUNATHURMEDU, PALAKKAD-678002.

4 **THE REGIONAL TRANSPORT OFFICER,**
CIVIL STATION, AYYANTHOLE.P.O., THRISSUR-680003.

**5 THE REGIONAL TRANSPORT OFFICER,
CIVIL STATION, KAKKANAD, ERNAKULAM-682030.**

**6 THE REGIONAL TRANSPORT OFFICER,
CIVIL LINES, COLLECTORATE.P.O., KOTTAYAM-686003.**

**7 THE REGIONAL TRANSPORT OFFICER,
CIVIL LINES, CIVIL STATION, ALAPPUZHA-688001.**

**8 THE REGIONAL TRANSPORT OFFICER,
PARAYIL BUILDING, COLLEGE ROAD, MAKAMKUNNU.P.O.,
PATHANAMTHITTA-689645.**

**9 THE REGIONAL TRANSPORT OFFICER,
CIVIL LINES, ANANDAVALLESWARAM, KOLLAM-691013.**

**0 THE REGIONAL TRANSPORT OFFICER,
AVITTAM COMPLEX, MAMAM, ATTINGAL-695104.**

**11 THE REGIONAL TRANSPORT OFFICER,
TRANSPORT BHAVAN, EAST FORT, FORT.P.O.,
THIRUVANANTHAPURAM-695023.**

**12 MOTOR VEHICLES INSPECTOR,
MOTOR VEHICLE CHECK POST, WALAYAR-678024.**

BY SPECIAL GOVERNMENT PLEADER SRI.P.SANTHOSH KUMAR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 09.04.2025, ALONG WITH WA.1571/2024 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

WEDNESDAY, THE 9TH DAY OF APRIL 2025 / 19TH CHAITHRA, 1947

WA NO. 1625 OF 2024

AGAINST THE JUDGMENT DATED 10.09.2024 IN WP(C) NO.42719 OF 2023 OF HIGH COURT OF KERALA

APPELLANT/PETITIONER:

KISHORE.K
AGED 42 YEARS
S/O.SASIDHARAN.K, KAILAS PALAZHI PALA, GURUVAYURAPPAN COLLEGE, KOZHIKODE, REPRESENTED BY POWER OF ATTORNEY BABY GIRISH, AGED 49 YEARS, S/O.LATE JOSEPH, RESIDING AT PARAYIL, CHERADIVALIYAVEETTIL HOUSE, EDAMARUKU.P.O., MELUKAVU, KOTTAYAM., PIN - 686652

BY ADV P.K.PRIYA

RESPONDENTS/RESPONDENTS:

1. **UNION OF INDIA**
   REPRESENTED BY ITS SECRETARY, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, TRANSPORT BHAVAN-1, PARLIAMENT STREET, NEW DELHI., PIN - 110001

2. **MINISTRY OF ROAD TRANSPORT AND HIGHWAYS**
   TRANSPORT BHAVAN-1, PARLIAMENT STREET, NEW DELHI, REPRESENTED BY ITS SECRETARY., PIN - 110001

3. **STATE OF KERALA**
   REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM., PIN - 695001

4 **STATE OF KERALA**
REPRESENTED BY THE SECRETARY, TRANSPORT DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.,
PIN - 695001

5 **THE TRANSPORT COMMISSIONER & CHAIRMAN**
STATE TRANSPORT AUTHORITY (STA), TRANSPORT
COMMISSIONERATE, 2ND FLOOR, TRANS TOWERS, VAZHUTHACAUD,
THYCAUD.P.O., THIRUVANANTHAPURAM., PIN - 695014

6 **STATE TRANSPORT AUTHORITY, KERALA STATE**
REPRESENTED BY ITS SECRETARY, TRANS TOWERS,
VAZHUTHACAUD, THYCAUD.P.O., THIRUVANANTHAPURAM.,
PIN - 695014

7 **THE JOINT TRANSPORT COMMISSIONER & SECRETARY**
STATE TRANSPORT AUTHORITY (STA), TRANS TOWERS,
VAZHUTHACAUD, THYCAUD.P.O., THIRUVANANTHAPURAM.,
PIN - 695014

8 **THE REGIONAL TRANSPORT OFFICER**
REGIONAL TRANSPORT OFFICE, PATHANAMTHITTA.,
PIN - 689645

9 **THE REGIONAL TRANSPORT OFFICER (ENFORCEMENT)**
CIVIL LANE, CIVIL STATION, THIRUVALLA.P.O.,
PATHANAMTHITTA., PIN - 689101

0 **THE REGIONAL TRANSPORT OFFICER, KOZHIKODE**
GROUND FLOOR, CIVIL STATION, ERANHIPALAM, KOZHIKODE.,
PIN - 673020

11 **THE REGIONAL TRANSPORT OFFICER, ERNAKULAM**
2ND FLOOR, CIVIL STATION, KAKKANAD, VAZHAKKALA, KOCHI.,
PIN - 682030

12 **THE REGIONAL TRANSPORT OFFICER (ENFORCEMENT), THRISSUR**
OLLUR INDUSTRIAL ESTATE, OLLUR, THRISSUR., PIN - 680306

13 **THE SUB REGIONAL TRANSPORT OFFICER, PERUMBAVOOR**
MUNICIPAL SHOPPING COMPLEX BUILDING, PATTAL,
IRINGOLE.P.O., PIN - 683545

14 **THE REGIONAL TRANSPORT OFFICER, PALAKKAD**
KENATHUPARAMBU, KUNATHURMEDU, PALAKKAD., PIN - 678001

15 THE REGIONAL TRANSPORT OFFICER, KOTTAYAM COLLECTORATE, KOTTAYAM., PIN - 686002

16 THE MOTOR VEHICLES INSPECTOR SUB REGIONAL TRANSPORT OFFICE, RANNI, PATHANAMTHITTA., PIN - 689645

17 KERALA STATE ROAD TRANSPORT CORPORATION THROUGH ITS CHAIRMAN AND MANAGING DIRECTOR, TRANSPORT BHAVAN, EAST FORT, THIRUVANANTHAPURAM., PIN - 695023

18 DISTRICT TRANSPORT OFFICER KERALA STATE ROAD TRANSPORT CORPORATION, PATHANAMTHITTA., PIN - 689645

19 ALOSIOUS.P.J. (SOUGHT TO BE IMPLEADED) S/O.LATE JOSEPH, POONATT HOUSE, AVOLI.P.O., MUVATTUPUZHA. (SOUGHT TO BE IMPLEADED), PIN - 686670

BY ADVS.
SRI.DEEPU THANKAN
SMT.UMMUL FIDA(K/954/2013)
SMT.LAKSHMI SREEDHAR(K/946/2016)
SMT.LEKSHMI P. NAIR(K/001011/2017)
SMT.VINEETHA BOSE(K/001438/2023)
SMT.CINDIA S.(K/1915/2021)
SMT.GAYATHRI G.(K/001227/2023)
BY SPECIAL GOVERNMENT PLEADER SRI.P.SANTHOSH KUMAR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 09.04.2025, ALONG WITH WA.1571/2024 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

WEDNESDAY, THE 9TH DAY OF APRIL 2025 / 19TH CHAITHRA, 1947

WA NO. 1641 OF 2024

AGAINST THE JUDGMENT DATED 10.09.2024 IN WP(C) NO.38261 OF 2023 OF HIGH COURT OF KERALA

APPELLANT/PETITIONER:

KISHORE K.,
AGED 42 YEARS
S/O. SASIDHARAN K., KALLAS PALAZHI PALA, GURUVAYURAPPAN COLLEGE, KOZHIKODE, REPRESENTED BY POWER OF ATTORNEY HOLDER, BABY GIRISH, AGED 49 YEARS, PARAYIL CHERADIVALIYAVEETTIL, EDAMARUKU P.O., MELUKAVU, KOTTAYAM, PIN - 686652

BY ADV P.K.PRIYA

RESPONDENTS/RESPONDENTS:

1 **THE UNION OF INDIA,**
REPRESENTED BY ITS SECRETARY, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, TRANSPORT BHAVAN -1, PARLIAMENT STREET, NEW DELHI – 110001., PIN - 110001

2 **MINISTRY OF ROAD TRANSPORT AND HIGHWAYS,**
TRANSPORT BHAVAN-1, PARLIAMENT STREET, NEW DELHI,
REPRESENTED BY SECRETARY, PIN - 110001

3 **THE STATE OF KERALA,**
REPRESENTED BY THE SECRETARY, TRANSPORT DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN -

695001

**4 THE TRANSPORT COMMISSIONER,
TRANSPORT COMMISSIONERATE, 2ND FLOOR, TRANS TOWERS,
VAZHUTHACAUD, THYCAUD P.O., THIRUVANANTHAPURAM, PIN -
695014**

**5 THE REGIONAL TRANSPORT OFFICER,
REGIONAL TRANSPORT OFFICE, PATHANAMTHITTA, PIN - 689645**

**6 THE MOTOR VEHICLES INSPECTOR,
SUB REGIONAL TRANSPORT OFFICER, RANNI, PATHANAMTHITTA,
PIN - 689645**

**7 KERALA STATE ROAD TRANSPORT CORPORATION (KSRTC)
REPRESENTED BYITS MANAGING DIRECTOR, OFFICE OF MANAGING
DIRECTOR, TRANSPORT BHAVAN, THIRUVANANTHAPURAM
REPRESENTED BY DEPUTY LAW OFFICER., PIN - 695230**

**BY ADVS.
SRI.VISHNU PRADEEP
SRI.DEEPU THANKAN
SMT.UMMUL FIDA(K/954/2013)
SMT.LAKSHMI SREEDHAR(K/946/2016)
SMT.LEKSHMI P. NAIR(K/001011/2017)
SMT.VINEETHA BOSE(K/001438/2023)
SMT.CINDIA S.(K/1915/2021)
SMT.GAYATHRI G.(K/001227/2023)
BY SPECIAL GOVERNMENT PLEADER SRI.P.SANTHOSH KUMAR**

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 09.04.2025, ALONG WITH WA.1571/2024 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

WEDNESDAY, THE 9TH DAY OF APRIL 2025/19TH CHAITHRA, 1947

W.A.NO.1885 OF 2024 (FILING NO)
AGAINST THE JUDGMENT DATED 10.09.2024 IN W.P(C).NO.39289 OF 2023 OF HIGH COURT OF KERALA

APPELLANT(S)/3rd PARTY:

1 THE BUS & CAR OPERATORS CONFEDERATION OF INDIA (BOCI) REGISTERED OFFICE AT 1 ST FLOOR, NEWDELHI HOUSE, BARAKHAMPA ROAD, NEW DELHI-110001(REPRESENTED BY ITS KERALA STATE COMMITTEE CHAIRMAN RIJAZ A.J, SONA TRAVELS, OPPOSITE ALUVA METRO STATION, ALUVA, ERNAKULAM, PIN – 683101

2 MR. BIBIN SHAJAN
AGED 31 YEARS
S/O.SHAJAN P.T., PADAYATTIL HOUSE,
ANGAMALY P.O., ERNAKULAM, PIN – 683 572.

3 M/S. SWAMY AYYAPPA TRAVELS
94/8, MODERN THEATERS, SUNDAR GARDEN,
KANNANKURICHI, SALEM (REPRESENTED BY ITS PARTNER SURESH)
PIN – 636008.

BY ADV.SRI.V.SREEJITH (K/1398/2000)
BY ADV.SRI.MANSOOR.B.H.
BY ADV.SMT.SAKEENA BEEGUM

RESPONDENT(S)/PETITIONERS & RESPONDENTS:

1 ABDULLA. H. NAUSHAD
AGED 27 YEARS
S/O. HASSAN NAUSHAD, PUNNARAM, NELLETTIL P.O, POOTHAKKULAM, BHOOTHAKULAM, KOLLAM, PIN – 691302

2 ANILA NAUSHAD
AGED 67 YEARS
W/O. HASSAN NAUSHAD, PUNNARAM, NELLETTIL P.O, POOTHAKKULAM, BHOOTHAKULAM, KOLLAM, PIN – 691302

3 THE STATE OF KERALA TRANSPORT DEPARTMENT THROUGH ITS SECRETARY, GOVERNMENT OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM, PIN 695 001.

4 TRANSPORT COMMISSIONER VANCHIYOOR, THIRUVANANTHAPURAM, PIN – 695035.

5 REGIONAL TRANSPORT OFFICER ENFORCEMENT OFFICE O THE DISTRICT REGISTRAR, FIRST FLOOR, TRANSPORT BHAVAN, S STREET RD, FORT, EAST FORT, PAZHAVANGADI, THIRUVANANTHAPURAM, KERALA, PIN – 695023.

6 THE REGIONAL TRANSPORT OFFICER TRIVANDRUM, 5TH FLOOR, KSRTC TERMINAL, THAMPANOOR, THIRUVANANTHAPURAM, KERALA, PIN – 695023.

7 THE REGIONAL TRANSPORT OFFICER KOLLAM NEAR ANANDAVALLEESWARAM TEMPLE, CIVIL STATION, ANANDAVALLEESWARAM, KOLLAM, KERALA, PIN – 691013.

8 REGIONAL TRANSPORT OFFICER ENFORCEMENT NEAR ANANDAVALLEESWARAM TEMPLE, CIVIL STATION, ANANDAVALLEESWARAM, KOLLAM, KERALA, PIN – 691013.

9 KERALA STATE ROAD TRANSPORT CORPORATION TRANSPORT BHAVAN, FORT PO, THIRUVANANTHAPURAM, REPRESENTED BY ITS MANAGING DIRECTOR, PIN – 695 023.

BY ADV.SRI.P.SANTHOSH KUMAR, SPECIAL GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 09.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

DR. A.K.JAYASANKARAN NAMBIAR
&
EASWARAN S., JJ.

- -

Arb. Appeal No.14 of 2025 (Filing.No), W.A.No.194 of 2025 (Filing No.), L.A.App.No.243 of 2017, W.A.No.1571 of 2024, W.A.No.2203 of 2019, W.A.No.2295 of 2019, W.A.No.1625 of 2024, W.A.No.1641 of 2024, W.A.No.1885 of 2024 (Filing No.), L.A.App.No.16 of 2022 & CMCP.No.2 of 2022 & L.A.App.No.146 of 2017

- -

Dated this the 9th day of April, 2025

JUDGMENT

Dr. A.K.Jayasankaran Nambiar, J.

All these matters stand dismissed for default for non-appearance of counsel representing the appellant/petitioner when the matters were called.

2. Noticing the number of matters in respect of which counsel were not present in Court today, we inquired with the learned Government Pleaders who were in court, as regards the reasons for such *en masse* absence of counsel. We were then told that it was probably on account of a call for boycott by the Kerala High Court Advocates' Association that the learned counsel for the appellant/petitioner are not present in court today. We have also been shown a copy of a letter stated to have been written by the President of the Kerala High Court Advocates' Association to the Hon'ble the Chief Justice informing him of the call for a pen down protest by lawyers on 09.04.2025 (today). While the letter in itself is distasteful as regards its contents, it also manifests a serious breach of the decorum that is expected to be maintained in this hallowed institution. Letters addressed by an Association of Advocates to the Chief Justice of the High Court cannot take the form of gratuitous sermons interspersed with veiled threats. Further, the call to lawyers to boycott courts on an issue concerning enhancement of court fees by the State government cannot be seen

as anything but illegal and preposterous. This is more so when we are given to understand that a Public Interest Litigation on the same issue was moved, and is currently pending consideration, before the Chief Justice's Court.

3. As Judges we cannot be party to such calls for boycott that are antithetical to the concept of justice dispensation and have been declared as illegal by the Supreme Court on many an occasion. We might usefully remind the members of the legal fraternity of the decision of the Supreme Court in **Ex-Capt. Harish Uppal v. Union of India and Another – [(2003) 2 SCC 45]** where in the context of examining the legality and propriety of calls for strikes/boycotts by lawyers it was observed:

> "[L]awyers have no right to go on strike or give a call for boycott, not even on a token strike. The protest, if any is required, can only be by giving press statements, TV interviews, carrying out of court premises banners and/or placards, wearing black or white or any colour armbands, peaceful protest marches outside and away from court premises, going on *dharnas* or relay fasts etc. Lawyers holding *vakalats* on behalf of their clients cannot not attend courts in pursuance to a call for strike or boycott. All lawyers must boldly refuse to abide by any call for strike or boycott. No lawyer can be visited with any adverse consequences by the Association or the Council and no threat or coercion of any nature including that of expulsion can be held out. No Bar Council or Bar Association can permit calling of a meeting for purposes of considering a call for strike or boycott and requisition, if any, for such meeting must be ignored. Only in the rarest of rare cases where the dignity, integrity and independence of the Bar and/or the Bench are at stake, courts may ignore (turn a blind eye) to a protest abstention from work for not more than one day. However, it will be for the court to decide whether or not the issue involves dignity or integrity or independence of the Bar and/or the Bench. Therefore in such cases the President of the Bar must first consult the Chief Justice or the District Judge before Advocates decide to absent themselves from court. The decision of the Chief Justice or the District Judge would be final and have to be abided by the Bar. The courts are under no obligation to adjourn matters because lawyers are on strike. On the contrary, it is the duty of all courts to go on with matters on their boards even in the absence of lawyers. In other words, courts must not be privy to strikes or calls for boycotts. If a lawyer, holding a v*akalat* of a client, abstains from attending court due to a strike call, he shall be personally liable to pay costs which shall be addition to damages which he might have to pay his client for loss suffered by him."

4. Also relevant are the observations of the Supreme Court in **Krishnakant Tamrakar v. State of Madhya Pradesh - [(2018) 17 SCC 27]** which read as follows:

> "49. Since the strikes are in violation of law laid down by this Court, the same amount to contempt and at least the office bearers of the associations who give call for the strikes cannot disown their liability for contempt. Every resolution to go on strike and abstain from work is per se contempt. Even if proceedings are not initiated

> individually against such contemnors by the court concerned or by the Bar Council concerned for the misconduct, it is necessary to provide for some mechanism to enforce the law laid down by this Court, pending a legislation to remedy the situation.
>
> 50. Accordingly, we consider it necessary, with a view to enforce fundamental right of speedy access to justice under Articles 14 and 21 and law laid by this Court, to direct the Ministry of Law and Justice to present at least a quarterly report on strikes/abstaining from work, loss caused and action proposed. The matter can thereafter be considered in its contempt or inherent jurisdiction of this Court. The Court may, having regard to the fact situation, hold that the office bearers of the Bar Association/Bar Council who passed the resolution for strike or abstaining from work, are liable to be restrained from appearing before any court for a specified period or until such time as they purge themselves of contempt to the satisfaction of the Chief Justice of the High Court concerned based on an appropriate undertaking/conditions. They may also be liable to be removed from the position of office bearers of the Bar Association forthwith until the Chief Justice of the High Court concerned so permits on an appropriate undertaking being filed by them. This may be in addition to any other action that may be taken for the said illegal acts of obstructing access to justice. The matter may also be considered by this Court on receipt of a report from the High Courts in this regard. This does not debar report/petition from any other source even before the end of a quarter, if situation so warrants.

In the light of the above declaration of the law, we cannot find it in ourselves to condone instances of non-representation of the cases listed before us today. We therefore dismiss the above cases without prejudice to the right of the litigant to seek restoration of the same within a period of one month from today, on showing sufficient cause for the non-representation today as also by demonstrating their readiness to argue the matter on the day the application for restoration comes up for consideration before this court.

Sd/-

DR. A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-

EASWARAN S.
JUDGE

mns