

**Court No. - 2**

**Case :-** WRIT - C No. - 829 of 2022

**Petitioner :-** Smt. Indrawati Devi And 2 Others

**Respondent :-** State Of U.P. And 4 Others

**Counsel for Petitioner :-** Rajeev Kumar Singh, Ravikar Pandey

**Counsel for Respondent :-** C.S.C.

**Hon'ble Piyush Agrawal, J.**

1. In pursuance of earlier order of this Court, two counter affidavits on behalf of respondent no. 1 and respondent nos. 2 to 4, respectively have been filed and further a personal affidavit of Mr. Vishal Singh, District Magistrate, Bhadohi has also been filed, which are taken on record.
2. On perusal of the said personal affidavit filed on behalf of District Magistrate, Bhadohi, in para 4 to 8 of the same, it has been averred that the earlier orders passed by this Court were never communicated to the District Magistrate, Bhadohi, therefore, the counter affidavit could not be filed within the time allowed.
3. A scanned copy of the said personal affidavit is placed hereunder:-

**IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD**  
\*\*\*\*\*  
**INDEX**  
IN  
**PERSONAL AFFIDAVIT**  
**(District Magistrate)**  
IN  
**CIVIL MISC. WRIT PETITION NO. 829 OF 2022**  
(Under Article 226 of the Constitution of India)

**[DISTRICT-BHADOHI]**

Smt. Indravati Devi and others  
.....**Petitioners**  
**Versus**  
State of U.P. and others  
.....**Respondents**

SL. NO.	PARTICULARS	DATES	ANN. NOS.	PAGE NOS.
1.	Personal Affidavit	—	—	01-04
2.	I.D. Proof	—	—	05
3.	A typed/ true copy of the clarification dated	6.9.2024	PA1	06
4.	Appearance Slip	—	—	07

Dated: 13/09.2024

*Rishi Kumar*  
**(Rishi Kumar)**  
Addl. CHIEFSTANDING COUNSEL  
HIGH COURT, ALLAHABAD



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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD  
\*\*\*\*\*

PERSONAL AFFIDAVIT  
(The Commissioner of Police, Lucknow)  
IN

**CIVIL MISC. WRIT PETITION NO. 829 OF 2022**  
(Under Article 226 of the Constitution of India)

**[DISTRICT-BHADOHI]**

Smt. Indravati Devi and others

.....Petitioners

**Versus**

State of U.P. and others

.....Respondents



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Affidavit of: Vishal Singh, aged about 51 years, S/o Raj Singh, Presently posted as District Magistrate, Bhadohi.  
Religion- Hindu,  
Occupation- Government Service.

\*\*\*\*\*

I, the deponent above named do hereby solemnly affirmed state on oath as under:

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1. That the deponent is presently posted as, District Magistrate, Bhadohi and he is filing the present affidavit in compliance of order of this Hon'ble Court dated 30.08.2024, and as such he is fully acquainted with the facts deposed to below.



2. That instant affidavit is being filed in compliance of the Orders dated 30.08.2024, passed by this Hon'ble Court in Writ Petition No. 829 of 2022 (Smt. Indravati Devi and 2 others vs. State of U.P. and others), by which this Hon'ble Court directed the deponent to "explaining

his conduct as to why in spite of several opportunities having being granted by this court, the counter affidavit has not been filed.”

3. That at the very outset, the deponent most respectfully submits that he, being the District Magistrate, Bhadohi, has great respect and highest regard for the authority of this Hon'ble Court and he has never intended to or tried to flout the orders passed by this Hon'ble Court or any Court of Law of the Country. Though, the deponent has not consciously flouted or defied any Order of this Hon'ble Court, but in any case, if this Hon'ble Court thinks otherwise, the deponent tenders his unconditional and unqualified apology for the same.

4. That in pursuance of order dated 30.08.2024, It is hereby submitted that, there was no information about the previous orders passed by the Hon'ble Court in the above petition. The Hon'ble Court first got information about the previous orders passed in the above petition after receiving the fax dated 30.08.2024 sent by Shri Rishi Kumar, Additional Chief Standing Counsel, Hon'ble High Court Allahabad on 30.08.2024.



5. That it is humbly and respectfully submitted that deponent immediatedetly initiated the process to comply the order of Hon'ble Court as soon as letters was received, but Some delay occurred. which is not deliberate or intentional for which petitioner put forward his unconditional apology.

6. That in the above writ petition, clarification dated 06.09.2024 was sought from the case clerk (writ) for clarification of the fact that the counter affidavit was

not submitted updated in compliance with the earlier orders passed by the Hon'ble Court. For kind perusal of this Hon'ble Court a typed/ true copy of the clarification dated 6.9.2024 is being filed herewith and is marked as Annexure No.PA-1 to this affidavit.

7. That in compliance of order of Hon'ble Court dated 30.08.2024, It was informed by the Litigation Clerk (Writ) that no information regarding the above petition pending in the Hon'ble High Court was available before the fax dated 30.08.2024 sent by Shri Rishi Kumar, Additional Chief Standing Counsel, Hon'ble High Court Allahabad.

8. That due to lack of information, the counter affidavit could not be submitted on the dates fixed by the Hon'ble Court in the above mentioned latest petition. On getting the information about the above mentioned petition, the counter affidavit is being submitted immediately.

9. That due to official procedure there is some delay which is not deliberate or intentional for which petitioner put forward his unconditional apology.



10. That it is further most respectfully prayed to this Hon'ble Court to accept the present personal affidavit and treat it as part of record and also decide the case on merits so that justice may be done.

*[Handwritten Signature]*

I, the deponents do hereby declare that the contents of para Nos. 1, 3, 4, 5 of this affidavit are true to my personal knowledge and information received and those contents of para nos. 2, 4, 6, 7 of this affidavit are based on perusal

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of record and those contents of para nos. 3 of this affidavit are based on legal advice which all I, believe to be true and no part of it is incorrect and nothing material has been concealed.

So help me God.



*[Signature]*  
नमराज कुमार (Deponent)

Office of Chief Standing Counsel, High Court, Allahabad do hereby declare that the person making this affidavit and alleging himself/ herself to be the deponent is known to me on the basis of perusal of papers and I.D. attached herewith and I am satisfied that he is the same person.

(Clerk)

Solemnly affirmed before me on this \_\_\_\_\_ day of September, 2024 at about \_\_\_\_\_ A.M./P.M. by the deponent who is identified by the aforesaid person.

I have satisfied myself by examining the deponent that he understood that the contents of this affidavit which have been read over and explained to him.

OATH COMMISSIONER.



*[Signature]*  
SOMARURAM  
ADVOCATE 13/7/24

नाम.. *[Signature]*  
पिता का नाम *[Signature]*  
पता.. *[Signature]*  
जपबद्धता मेरे समक्ष उपस्थित  
होकर अपना हस्ताक्षर बनाकर  
दिनांक... 13/7/24

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भारत सरकार

Government of India



विशाल सिंह

Vishal Singh

जन्म तिथि / DOB : 03/11/1973

पुरुष / Male



2557 6517 3500

मेरा आधार, मेरी पहचान

246 pm

⇒ Forwarded many times



भारतीय विशिष्ट पहचान प्राधिकरण

Unique Identification Authority of India

पता: आत्मज: राज सिंह, प्लॉट न  
53, राजराजेश्वरी नगर, गिरी बाजार,  
वाराणसी, वाराणसी कैंट, उत्तर प्रदेश,  
221002

Address: S/O: Raj Singh, plot no 53,  
Rajrajeshwan Nagar, Ghat Bazar,  
Varanasi, Varanasi Cantt, Uttar Pradesh,  
221002

2557 6517 3500



भदाहा।

Annexure No-1

8

प्रेषक,

जिलाधिकारी,  
जनपद भदोही।

सेवा में,

मुख्य स्थाई अधिवक्ता,  
मा0 उच्च न्यायालय,  
इलाहाबाद।

पत्रांक :- 638/वाद लिपिक-भदोही/2024 दिनांक :- 07 सितम्बर 2024

विषय :- माननीय उच्च न्यायालय इलाहाबाद में योजित रिट याचिका सी संख्या-829/2022 श्रीमती इन्द्रावती देवी व 02 अन्य बनाम उ0प्र0 राज्य व 04 अन्य में पारित आदेश दिनांक 30.08.2024 के अनुपालन के सम्बन्ध में।

महोदय,

माननीय उच्च न्यायालय इलाहाबाद में योजित रिट याचिका सी संख्या-829/2022 श्रीमती इन्द्रावती देवी व 02 अन्य बनाम उ0प्र0 राज्य व 04 अन्य में माननीय न्यायालय द्वारा दिनांक 30.08.2024 को यह आदेश पारित किया गया है कि :-

Let the District Magistrate Bhadohi, shall file his personal affidavit explaining his conduct as to why in spite of several opportunities having being granted by this Court, the counter affidavit has not been filed.

उक्त के सम्बन्ध में ससम्मान अवगत कराना है कि याचिका उक्त में माननीय न्यायालय द्वारा पूर्व पारित आदेशों की कोई जानकारी नहीं रही। माननीय न्यायालय द्वारा याचिका उक्त में पूर्व पारित आदेशों की जानकारी सर्वप्रथम माननीय न्यायालय द्वारा पारित आदेश दिनांक 30.08.2024 की सूचना श्री ऋषि कुमार, अपर मुख्य स्थाई अधिवक्ता, माननीय उच्च न्यायालय इलाहाबाद द्वारा प्रेषित फ़ैक्स दिनांक 30.08.2024 को प्राप्त होने के पश्चात् हुयी। याचिका उक्त में माननीय न्यायालय द्वारा पूर्व पारित आदेशों के अनुपालन में प्रतिशपथ पत्र अद्यतन प्रस्तुत न होने के तथ्य के स्पष्टीकरण हेतु वाद लिपिक (रिट) से स्पष्टीकरण दिनांक 06.09.2024 माँगी गयी। वाद लिपिक (रिट) द्वारा अवगत कराया गया कि माननीय उच्च न्यायालय में विचाराधीन याचिका उक्त के सम्बन्ध में कोई सूचना श्री ऋषि कुमार, अपर मुख्य स्थाई अधिवक्ता, माननीय उच्च न्यायालय इलाहाबाद द्वारा प्रेषित फ़ैक्स दिनांक 30.08.2024 के पूर्व नहीं रही। मात्र सूचना के अभाव में अद्यतन याचिका उक्त में माननीय न्यायालय द्वारा पूर्व नियत तिथियों पर प्रतिशपथ पत्र प्रस्तुत नहीं किया जा सका। याचिका उक्त की जानकारी होने पर अविलम्ब प्रतिशपथ पत्र प्रस्तुत करने हेतु वांछित प्रस्तरवार आख्या मय स्पष्टीकरण सहित प्रेषित की जा रही है।

कृपया उक्तानुसार वांछित शपथ पत्र प्रस्तुत कराने की कृपा करें।



Signature

(विराज सिंह)  
जिलाधिकारी,  
भदोही।



IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD.

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APPEARANCE SLIP

CIVIL MISC. WRIT PETITION NO. 029 2022

(DISTRICT- Bhadohi)

Smt Indrawati Deybothu

\_\_\_\_\_ Petitioner

VERSUS

State of U.P. S. Khan \_\_\_\_\_ Respondents

I, Standing Counsel Appear On Behalf of State of U.P

Dated: 13.9.24

For Chief Standing Counsel  
(High Court, Allahabad.)

Shri Kumar ACCC  
17/09/2024

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4. From perusal of the above personal affidavit at index part i.e. first page mentions the same is being filed by the 'District Magistrate', however on the top of the second page, it has been mentioned that the same is being filed by the '**Commissioner of Police, Lucknow**' whereas in para 1 of the affidavit it has been averred that the '**deponent is presently posted as District Magistrate Bhadohi**'.

5. Further on perusal of paragraph nos. 4 to 8, it shows that specific allegations have been made against the working of the Office of Chief Standing Counsel.

6. The deponent in first sentence of paragraph no. 4 submitted that the previous orders of this Court have not been communicated.



7. The Court is astonished to note the further averments made in para 4 of the said affidavit in which it has been averred that “*The High Court first got information about the previous orders passed in the above petition after receiving the fax dated 30.8.2024 sent by Shri Rishi Kumar, Additional Chief Standing Counsel, Hon’ble High Court Allahabad on 30.8.2024.*” From bare reading of the said paragraph, the Court could not understand what exactly the deponent wants to contend before the Court.

8. Further in paragraph no. 5, it has been averred that deponent act immediately after receiving the ‘letters’ but neither any date nor any reference of the letter has been mentioned. On the contrary, in the earlier paragraph, he made reference of some fax received on 30.8.2024 but copy of the same was also not brought on record.

9. Further in paragraph no. 6 of the affidavit, it has been averred that deponent sought clarification from the ‘*case clerk (writ)*’ on 6.9.2024 and true copy of the clarification dated 6.9.2024 has been filed at Annexure No. P.A. 1. However, on perusal of Annexure No. P.A.1, only a letter dated 7.6.2024 addressed to Chief Standing Counsel is brought on record.

10. Further in paragraph no. 7 of the said affidavit, it has been averred that ‘*Litigation Clerk (Writ)*’ informs that there is no information in the petition in respect of the orders passed by the Court. On perusal of Annexure No. P.A. 1, it shows that no corresponding letter has been annexed reverting to the clarification sought by the deponent.

11. Further at Annexure No. P.A. 1, the letter of District Magistrate, neither any reference with regard to mode of seeking clarification from the ‘*Litigation Clerk (Writ)*’ has been made nor reference of any communication received from the ‘*Litigation Clerk (Writ)*’ has been made.

12. In view of the above, it appears that the affidavits have been filed before this Court in a very casual and lethargic manner even without proper drafting / reading before signing.

13. The approach of the State Authorities as well as Counsels who represent the State, are very casual. The Court has granted indulgence at various occasions for rectifying the mistakes or shortcomings in filing the affidavits, but in vain.

14. Recently, this Court vide order dated 13.9.2024 passed in Writ C No. 19202 of 2024 (Vijay Singh vs. State of UP) has directed the Advocate General of the State and Principal Secretary (Law) & L.R. Government of UP for taking cognizance in the matter.

15. Let the present matter be also placed before the Advocate General of State of UP as well as Principal Secretary (Law) & L.R. to look into the matter.

16. It has been informed at Bar that the matter relating to empanelment of lawyers to represent the State before the High Court, is pending consideration before the Lucknow Bench of this Court.

17. The Registrar General is directed to place a copy of this order as well as the order dated 13.9.2024 passed in Writ C No. 19202 of 2024 (Vijay Singh Vs. State of UP) before the Bench concerned, hearing the aforesaid matter.

18. The Registrar (Compliance) shall communicate this order to the Advocate General of State of UP as well as Principal Secretary (Law) & L.R. within a week from today.

19. List again on 4.11.2024.

**Order Date :- 17.9.2024**  
Rahul Dwivedi/-