ITEM NO.51 COURT NO.11 SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 217/2018

VIJAY KUMAR SHUKLA Petitioner(s)

VERSUS

STATE OF U.P. & ORS. Respondent(s)

Date : 10-07-2023 This petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s) Mr. Vijay Kumar Shukla, in-person

For Respondent(s) Mr. Sanjay Kumar Tyagi, AOR
Mr. Sanjay Kumar, Adv.
Mr. Sunil Kumar Tomar, Adv.
Mr. Mimansak Bhardwaj, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Heard the petitioner appearing in person.

The petitioner was the Additional Advocate General of State of Uttar Pradesh. He has invoked the jurisdiction of this Court under Article 32 of the Constitution of India seeking a writ of mandamus against the State Government to clear the bills of his outstanding professional fees.

We have perused the order dated 23rd April, 2018 in this Writ Petition which reads thus:-

"Learned counsel for the respondent State submits that all the outstanding bills have been disbursed to the petitioner but the petitioner who appeared in person disputes the said

contention and states that he is entitled to know the details of the amount paid to him. We accordingly direct the respondent State to file a detailed counter affidavit within one week.

Rejoinder affidavit, if any, be filed within one week thereafter.

List thereafter."

The order records that according to the State, all the outstanding bills have been disbursed to the petitioner. However, certain dispute was raised by the petitioner appearing in person about the said contention. Thereafter, an affidavit has been filed by the State and rejoinder affidavit has been filed by the petitioner.

We have a serious doubt whether a petition under Article 32 of the Constitution of India should be entertained at the instance of an advocate representing the State for recovery of his fees and that also when there is a serious dispute about the entitlement of the petitioner to receive fees based on certain bills. We are, therefore, unable to pass any further orders on this Writ Petition and the same is accordingly disposed of.

However, the other available remedies of the petitioner are expressly kept open which he can avail in accordance with law.

Pending application, if any, also stands disposed of.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER