

amounts are charged from the litigants/advocates towards the photo identification at any rate whatsoever.

35. The Bar Associations would, however, are at liberty to take such welfare steps for their members as may be advised but cannot be coupled with any filings before this court.

36. Linking of the affidavits with the amounts collected would amount to Contempt of Court by the members of the Governing Body of the Bar Association.

37. Let a copy of this order be sent to the Governing Body of both the Bar Associations for its compliance.

38. It is further directed that the persons manning the Photo Identification Centre, either a firm or a company, would also be personally liable if it is brought to the notice of this Court that any amounts are being charged for photo identification over and above what have been sanctioned by the Hon'ble Chief Justice under Chapter IV Rule 3 of the Allahabad High Court Rules.

39. The issue stands *disposed off* with the said order. The writ petition shall continue to be listed for deciding the issue as raised in the writ petition.

(2025) 5 ILRA 940

ORIGINAL JURISDICTION

CIVIL SIDE

DATED: ALLAHABAD 12.05.2025

BEFORE

THE HON'BLE VINOD DIWAKAR, J.

Writ C No. 12032 of 2024

Rani Pandey & Anr.

...Petitioners

Versus

State of U.P. & Ors.

...Respondents

Counsel for the Petitioners:

Sri Arun Kumar Singh, Sri Ashutosh Upadhyay, Sri Lallan Chaubey, Ms. Shikha Srivastava

Counsel for the Respondents:

C.S.C., Sri Chandra Shekhar Singh, Sri Dharmendra Kumar Shukla, Sri Hari Keshav, Sonu Nirmal

A. Civil Law - Constitution of India,1950- Article 226-Fraud upon the court-impersonation and misuse of Aadhaar Card-A writ petition is filed claiming that Petitioner Nos. 1 and 2 were legally wedded and facing threats and they sought police protection-On hearing date, the Petitioner no.1 appeared in person with her brother and denied filing the petition alleging impersonation and misuse of her Aadhaar card-She affirmed that she is married to one Samrat Pandey has two children and currently lives with her parents due to matrimonial discord-A show-cause notice was issued to Advocate Lallan Chaubey, named as the counsel for petitioners, who denied involvement claiming forgery of his signature-A preliminary inquiry was ordered through the Registrar General and it confirmed the petition was filed fraudulently-Both the petitioners denied having filed the petition-There is prima facie case of fraud committed to mislead the court-Directions issued to commissioner of police to conduct inquiry, use scientific and forensic methods to trace the fraud.(Para 1 to 19)

The writ petition is dismissed. (E-6)

(Delivered by Hon'ble Vinod Diwakar, J.)

1. The present writ petition has been filed with the assertion that Petitioner Nos. 1 and 2 are legally wedded spouses, having solemnized their marriage on 22.02.2022 in accordance with Hindu customs and rites at

the Bandevi Temple, located in District Mau. The petitioners rely on a photograph annexed as Annexure-2 in support of their claim. It is further stated that they have been cohabiting as husband and wife since their marriage. Petitioner No. 1 alleges that she is unable to visit her parental home due to threats to her life from her parents, arrayed as Respondent No. 4. Respondent No. 3 has been arrayed as the father of Petitioner No. 2. Petitioner No. 1 had submitted a complaint to the Superintendent of Police, Azamgarh, but alleges that no security has been provided to her. It is further stated that Petitioner No. 2 resides in Delhi for livelihood. In light of the perceived threat, the petitioners seek a direction from this Court to the Senior Superintendent of Police, Azamgarh, to ensure their safety.

2. On 27.04.2024, when the matter was called for hearing, no one appeared on behalf of the petitioners. However, Smt. Rani Pandey appeared in person along with her brother, Shri Radheshyam Pandey, and submitted before the Court that the present petition has been filed by an impersonator without her knowledge or consent, for some ulterior motive. She asserted that she had never visited Prayagraj for the purpose of signing the present petition and denied having signed the petition or the accompanying affidavit. She further submitted that her Aadhaar card had been misused in the process. She stated that she is legally married to one Shri Samrat Pandey and has two children from the said wedlock, aged approximately 6 and 5 years. Due to matrimonial discord and ongoing litigation, she currently resides with her father, Respondent No. 4.

3. After hearing Smt. Rani Pandey—the individual on whose behalf the present

petition was allegedly filed—a show-cause notice was issued to Advocate Shri Lallan Chaubey (Roll No. A/L0050/2012, Chamber No. 79, Mobile No. 9452340385, R/o 37A/1, Karanpur, Prayagraj), seeking an explanation regarding the circumstances under which the petition came to be filed. The Registrar General of this Court was also directed to conduct a preliminary inquiry and submit a report in sealed cover regarding the circumstances under which the petition was filed and listed.

4. Pursuant to this Court's direction, a preliminary inquiry was conducted by the Registrar (J) (Enquiry), and a report in sealed cover was submitted. The inquiry concluded with the finding that the present Writ-C No. 12032 of 2024, titled *Smt. Rani Pandey and Another v. State of U.P. and Others*, was not filed by Smt. Rani Pandey, D/o Udai Bhan Pandey, R/o Mahui Fatehpur, Fatehpur Mandaw, District Mau. In his statement, Advocate Lallan Chaubey denied filing the petition and claimed that his name and signature had been misused by an impostor without his knowledge or consent. Shri Vijay Rai, Oath Commissioner, was prima facie found to be negligent in discharging his duties.

5. The police report indicates that Smt. Rani Pandey was married to Shri Samrat Pandey, S/o Ashok Pandey, on 28.01.2016 in accordance with Hindu rituals, and that they have two children from the said wedlock. Since 2022, due to marital discord, she has been residing with her parents.

6. The Enquiry Officer recorded statements of Shri Lallan Chaubey (Advocate), Smt. Rani Pandey, Km. Suchi Devi, Shri Udey Bhan Pandey, Shri Radhey Shyam Pandey, and Shri Vinod Pandey during the proceedings.

7. Considering the gravity and far-reaching implications of the matter, the Court deemed it appropriate to issue notices to Shri Samrat Pandey (husband of Smt. Rani Pandey), his father Shri Ashok Kumar Pandey, and Shri Vinod Pandey, in order to ascertain their version before arriving at any conclusion. Notice was served to Shri Samrat Pandey through the Director General, Sashastra Seema Bal, Ministry of Home Affairs, Government of India. A separate notice was also served to Shri Vinod Pandey through the local SHO, and all appeared before the Court.

8. Advocate Lallan Chaubey submitted an affidavit dated 13.05.2024 in compliance with this Court's order dated 27.04.2024, wherein he stated that he had no knowledge of the petition until he received a notice from this Court via his junior. He categorically denied signing the Vakalatnama or filing the petition, and asserted that his signature had been forged. Advocate Lallan Chaubey, in his statement before the Enquiry Officer, acknowledged that he is the subscriber of the mobile number and the holder of the advocate roll number mentioned in the petition.

9. Shri Samrat Pandey filed a counter affidavit dated 27.11.2024 through Advocate Shri Arun Kumar Singh, alleging that his wife, Smt. Rani Pandey, is in an adulterous relationship with Petitioner No. 2, Shri Vinod Pandey, his next-door neighbour. He claimed that his father had attempted reconciliation, but Smt. Rani Pandey refused to return and threatened to falsely implicate him. He relied upon a compromise deed dated 27.05.2024 executed between the parties.

10. Similarly, Shri Vinod Pandey, in his affidavit, denied the allegations made in

the petition and claimed to have no knowledge of who filed the petition on his behalf. He also denied the solemnization of any marriage with Smt. Rani Pandey.

11. After considering the submissions of learned counsel and interacting with Shri Samrat Pandey, Smt. Rani Pandey, Shri Vinod Pandey, and Advocate Shri Lallan Chaubey, this Court is of the prima facie view that a fraud has been perpetrated upon the Court to achieve an ulterior motive. It appears that such a fraud could not have been executed without the active involvement of an individual well-versed in court procedures.

12. It is an admitted fact that Smt. Rani Pandey is legally married to Shri Samrat Pandey, and they have two children. It is also undisputed that she resides with her parents due to a matrimonial dispute, and litigation is pending. Smt. Rani Pandey has raised serious apprehensions that the present petition might have been filed by her husband in collusion with an advocate to create grounds for divorce.

13. It is learnt that the Advocate on Roll (AOR), in whose name the petitions are filed, receives SMS notifications from the Registry of this Court on the mobile number linked to the AOR at five distinct stages of the filing process, and subsequently on each date the matter is listed. For illustration, a sample SMS template is provided below:

I. Stage-1: At the time of photo identification of the petitioners, as per the procedure outlined herein:

“Dear Advocate (A/--/2010).

Receipt of Rs. 600/- generated for your client-----

HCBA Tech Team”

II. Stage-2: At the time when the petition is assigned a filing number:

“Your physically filed a case CAPL received on -----, first party name-----, has allotted filing/receiving No. ----- is pending at reporting-Allahabad High Court.”

III. Stage-3: At the time when any defect is raised by the Registry:

“Filing No.----- filed on ----- has defect (s) No..... Details of defect (s) are available on AHC website. -AHC”

IV. Stage-4: Upon clearance of any defects, if raised by the Registry:

“-----v. ----- filing no. ----- filed on ----- Reported clear and file is being forwarded to Fresh Filing Section-Allahabad High Court.”

V. Stage-5: At the time when the case is listed before the Court:

“Cases Listed on 00/00/2025 Advocate Name ----- (A/R-----/2012) [particulars of case]-Allahabad High Court”

14. It is apparent from the foregoing illustration that the learned Advocate, in whose AOR the present petition has been filed, must have received Rs. 475/- in the account linked to his AOR out of the Rs. 600/- deposited by the petitioners. Furthermore, it is likely that he received SMS notifications on the mobile number associated with the AOR on at least five occasions prior to the first hearing of the petition.

15. This case warrants a fair and thorough investigation, as the perpetrators appear to have attempted to perpetrate a fraud upon the Court. If the conspirators were to succeed in their design, it would not only constitute a travesty of justice and a stain on the criminal justice system, but

would also gravely undermine public confidence in the rule of law and erode the very integrity of judicial institutions. Such an outcome strikes at the core of the justice delivery system and must be prevented with the utmost vigilance and resolve.

16. In view of the above, the Commissioner of Police, Prayagraj, is directed to conduct a preliminary inquiry into the matter. If a cognizable offence is found to have been committed, an FIR shall be registered forthwith, and a comprehensive investigation shall be conducted to uncover the fraud perpetrated upon this Constitutional Court. A free, fair and uninfluenced investigation is expected from the Commissioner of Police, Prayagraj to bring all conspirators and individuals who provided logistical or other support for executing the fraud before justice. Forensic and scientific methods are to be employed to ensure a fair, unbiased, and thorough investigation.

16.1 Commissioner of Police, Prayagraj shall himself monitor the investigation and after review of the progress of investigation, weekly record satisfaction in the case diary.

16.2 The inquiry shall be completed expeditiously, and quarterly progress reports shall be submitted to the Chief Judicial Magistrate, Prayagraj, without fail.

17. The Registrar (Compliance) is directed to transmit a certified copy of the complete case record to the Commissioner of Police, Prayagraj, for immediate compliance.

18. The Registrar General is directed to preserve the original case file in secure custody and produce it whenever required.

If needed for forensic or scientific analysis, such as verification of signatures, stamps, or photo ID cards, the original record may be handed over to the Investigating Officer after keeping the certified copy of the same.

19. In light of the foregoing, the petition is **dismissed** in the aforesaid terms.

(2025) 5 ILRA 944
ORIGINAL JURISDICTION
CIVIL SIDE
DATED: ALLAHABAD 02.05.2025

BEFORE

THE HON'BLE PRAKASH PADIA, J.

Writ C No. 13636 of 2025

Surajpur Indane Gas Sewa, Agarwal Market, District Gautam Budh Nagar
...Petitioner

Versus

Indian Oil Corporation Limited (M.D.) & Ors.
...Respondents

Counsel for the Petitioner:

Sri Arun Kumar Singh, Sri Chandrika Patel,
 Sri G.K. Singh (Sr. Advocate)

Counsel for the Respondents:

Sri Anand Tiwari

(A) Arbitration & Conciliation Law - Maintainability of a writ petition in the presence of an arbitration clause - Arbitration and Conciliation Act, 1996 - Sections 7, 9, 17 & 23 - writ petition is not maintainable where an adequate and efficacious alternative remedy exists, as arbitration is an important Alternative Disputes Redressal process - court, in its writ jurisdiction, cannot entertain a matter when the parties have a valid arbitration clause, as the Arbitration and Conciliation Act, 1996 is a self-contained code that provides sufficient remedies, including interim protection. (Para -12,15,16)

Petitioner's LPG distributorship dispute - challenged two orders passed by the respondent-Indian Oil Corporation - respondent contended that the writ petition was not maintainable due to the existence of a binding arbitration clause in the agreement between the parties. (Para -1 to 5)

HELD: Writ petition not maintainable in view of the arbitration clause as provided under Clause 37(a) of the agreement and the availability of efficacious remedies under the Arbitration and Conciliation Act, 1996, leaving it open to the petitioner to approach the arbitrator under Section 23. No observation in the judgment should be construed as adjudication on merits and that if the petitioner approached the arbitrator, the matter should be decided expeditiously without unnecessary adjournments. (Para - 17 to 19)

Petition dismissed. (E-7)

List of Cases cited:

1. Sanjana M. WIG (Ms) Vs H.P. Corpn. Ltd, (2005) 8 SCC 242
2. C.O.R.E. Vs ECI-SPIC-SMO-MCML (JV), (2020) 14 SCC 712
3. St. of J & K & anr. Vs Dev Dutt Pandit, (1999) 7 SCC
4. U.O.I. Vs Varindera Constructions Ltd. & ors., (2018) 7 SCC 794

(Delivered by Hon'ble Prakash Padia, J.)

1. Heard Shri G.K. Singh, learned Senior counsel assisted by Sri Chandrika Patel, learned counsel for the petitioner and Shri Anand Tiwari, learned counsel appearing for respondents.

2. Order dated 07.02.2024 passed by respondent no. 3/Divisional LPG Sales Head, Noida Indane Divisional Office A-1, Udyog Marg, Sector-1 Noida, District Gautam Budh Nagar as well as order dated 17.02.2025 passed in appeal by respondent