



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

PUBLIC INTEREST LITIGATION (PIL) No. - 383 of 2025

Suo Motu In The Matter Of Creation Of 9149
Courts

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Law

.....Respondent(s)

Counsel for Petitioner(s) : Suo Motu

Counsel for Respondent(s) : C.S.C., Gaurav Mehrotra, Vijay Dixit

Court No. - 5

HON'BLE ALOK MATHUR, J.

HON'BLE AMITABH KUMAR RAI, J.

1. Heard Sri Vijay Dixit, learned counsel for the petitioner as well as Sri Sudeep Kumar, learned Additional Advocate General, State of U.P.

2. Hon'ble Supreme Court taking cognizance of the 14th report of Law Commission of India considered the aspect of huge pendency of cases in district courts throughout the territory of India and after seeking various reports considered all the factors by which the pendency of backlog of cases could be reduced / accepted the key recommendations to increase in strength of judges in district courts.

3. Hon'ble Supreme Court in this regard while accepted the recommendations of the committee constituted by it also approved the detailed methodology for creation of courts in districts based on the following method:

“6. That it is also respectfully submitted that in relation to the number of Judges/Courts in the subordinate courts, the Hon'ble Supreme Court has been pleased to pass an order dated 02-01-2017 in Misc. Application No. 2362-2370 of 2019 in Criminal A No.254-262/2012 "Imtiyaz Ahmad Vs. State of U.P. & another" wherein the Hon'ble Supreme Court has been pleased to observe as follows:-

NCMSC has suggested that the clearance of backlog is not the sole or central basis determining judge strength. Several other critical

parameters include

(i) rate of case clearance: number of cases disposed of as a percentage of institution;

(ii) time disposal rate the percentage of cases resolved within an established time frame;

(iii) pre-trial custody periods wherein an under-trial is in custody pending trial of a criminal case; and

(iv) trial date certainty the proportion of important case processing provisions that are held according to the schedule finalized.

The approach which has been suggested, based on the unit system, is as follows:

"Applying The Unit System to Assess Required Judge Strength

(1) Number of judges required to dispose of the annual "flow" of new cases ("break even")

Every court should calculate in units its average annual filing over the previous five years for all types of cases.

Divide the annual filing units above by the number of annual units required to be disposed of by a judge for VERY GOOD performance.

This will give for each court, the number of judges required to ensure "break even", i.e., disposal equals the number of new cases filed every year in that court. (ii) Number of judges required for disposal of backlog of cases.

First, every court should calculate in units its backlog", i.e. the number of cases of all categories pending for more than the maximum time standard set by it for disposal (e.g., three years)

Second, a suitable time period may be established within which this "backlog" should be cleared (e.g. 5 years).

Third, divide the total backlog in units by the number of years within

which it has to be cleared (e.g. 5 years). This will give the required annual disposal of "backlog".

Fourth, divide the required annual disposal of backlog by the number of annual units required to be disposed of by each judge (units required for VERY GOOD performance).

This gives the number of judges required to dispose of "the backlog" within the prescribed time frame.

The judge strength so assessed should be monitored annually.

iii. Total number of judges required for achieving "break even" plus "disposal of backlog"

Add the number of judges required for "break even" to the number of Judges required to disposal of backlog, as determined above.

iv. Trigger for creation of new courts."

4. The necessary directions in this regard were issued by Hon'ble Supreme Court in the case of **Imtiyaz Ahmad vs State of U.P. and another, 2012 (2) SCC 688.**

5. Applying the above method with regard to the State of Uttar Pradesh it was found that creation of 9149 courts were required to the augmented but looking into the financial and infrastructural constraints it was decided that for the financial year 2025-2026 900 courts would be created. A proposal sent by the Allahabad High Court was accepted and the decision taken by the State of Uttar Pradesh was duly communicated to the High Court indicating that for creation of 900 and odd courts for the first phase in principal approval was granted and in principal the budgetary allocation was approved on 15.10.2024.

6. In pursuance of the previous direction of this Court and specially the expectations of this Court that a final decision shall be taken with regard to the creation of 900 courts in the financial year 2025-2026, a letter dated 10.04.2026 has been handed over to us by the learned Additional Advocate General.

7. He has submitted that the State Government in all its seriousness has already given financial approval for creation of 900 courts in the State of U.P. but it seems that creation of the said courts could not be given a finality in the financial year 2025-2026 and we have already commenced into 2026-2027.

8. A perusal of the letter dated 10.04.2026 indicates that 4 queries have been made to the High Court vide letter dated 13.03.2026. For the sake of convenience, the said 4 questions sent to the High Court are reproduced hereinbelow:-

- "1. वर्तमान में प्रत्येक जिले में कितने कोर्ट है?
2. प्रत्येक कोर्ट में कितने प्रकरण लम्बित है?
3. क्या उपरोक्त पदों के सृजन हेतु कोई मानक निर्धारित है? -
4. अर्दली, प्यून, दफ्तरी तथा जूनियर असिस्टेंट (कॉपिस्ट) के पदों को आउटसोर्सिंग के आधार पर भरे जाने से वित्तीय व्ययभार में कितना रह जाएगा?"

9. It is noticed that the first 3 queries pertain to issues which are in public domain and are readily available on the website of the High Court as well as website of the National Informatics Centre and accordingly we see no reason as to why the said queries should have been raised to the High Court.

10. The query No. 4 pertains to the appointments of Class-3 and Class-4 persons and appropriate response has already be made by the High Court as informed to us by the learned counsel.

11. Learned counsel for petitioner has submitted that the High Court had duly considered the aspect of creation of fresh courts considering the arrears and the pendency in various courts and it is only on the basis of recommendations made in 2021 i.e. on the basis of National Court Management System Committee Final Report that the Committee of this Court in its meeting on 3rd August, 2021, proposal was forwarded to the State Government.

12. The matter has been pending for the last 5 years and in the said time, the litigation has increased. We have also been informed that the previous queries made by the State already stands responded by the High Court and

according to Sri Vijay Dixit, learned Counsel for petitioner even fresh query made by the present letter dated 13.03.2026 was subject matter of previous queries which already stands responded by the High Court on 8th of April, 2026.

13. Once the State has agreed to increase number of courts then only those queries should be raised which have the material bearing on the issues and not any frivolous queries which may indicate that the same are being send only to buy time. It is also expected that the State should send all the relevant queries in one fold rather than waiting for the reply from the High Court then sending another installments of queries for which purpose again few months time is consumed and this exercise keeps repeating keeping the matter pending.

14. Again we hope that the reply sent by the High Court on 8th April, 2026 shall be duly considered and a final decision will be taken by the State Government with expedition preferably within one month, as requested by learned Additional Advocate General.

15. We also take judicial notice of the fact that right of speedy trial is a mandate given by the Constitution of India to all its citizens in fulfillment of which the judiciary, executive and legislature are duty bound to do all that is necessary. It is noticed that there is a steady rate of institution of litigation on one hand while the rate of pendency has also not decreased and there is dire need to take holistic view of the entire situation and seek solutions before it is too late.

16. In this regard after careful consideration it would be in fitness of things if that the Parliament of India as well as the State legislatures may consider incorporating a clause in all the bills for“Litigation Impact Assessment” whenever a new bill is introduced and passed in the legislature.

17. We are conscious of the fact that each new enactment usually either creates rights, defines fresh rights, modifies or extinguish existing rights each of which translate into litigation at some point of time and in case with some foresight the impact of litigation on passing each bill can be assessed it will be easy to make appropriate financial, infrastructural and

human resource arrangements to cope up with the increase in litigation instead of tackling the problem after the pendency has galloped for ahead making it arduous stem and control it by subsequent actions.

18. A simple example is with regard to amendment in Section 138 of the Negotiable Instruments Act due to which half a dozen of judicial magistrates in each districts are dealing exclusively with such matters pertaining to cheque bouncing and simply at the time of passing of the bill, assessment if had been made regarding the increase in the number of additional courts could have been created before hand to tackle such additional fresh institution.

19. List this case on 19th May, 2026.

20. In case a final decision is not taken by the next date of listing, Legal Remembrancer (LR) shall again appear in person before this Court on the next date of listing.

(Amitabh Kumar Rai,J.) (Alok Mathur,J.)

April 13, 2026

Ravi/