



JPP. 5/2024

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2024:KER:81194

"C.R."

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR

&

THE HONOURABLE MR. JUSTICE S.MANU

TUESDAY, THE 29TH DAY OF OCTOBER 2024 / 7TH KARTHIKA, 1946

JPP NO. 5 OF 2024

PETITIONER/S:

SUO MOTU JPP INITIATED BY THE HIGH COURT
ERNAKULAM, PIN - 682031.

RESPONDENT/S:

NIL

THIS JUDICIAL PRACTICE AND PROCEDURE HAVING COME UP FOR
ADMISSION ON 29.10.2024, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:



"C.R."

J U D G M E N TNitin Jamdar, C. J.

This matter numbered as J.P.P. No.5 of 2024 is placed before us at the instance of the Registry under the Judicial Practice and Procedure roster.

2. In paragraph (1) of the petition, it is stated thus:-

"It is submitted that in the cases mentioned below, judicial orders are passed to connect case/s from different roster without assigning any specific reason or direction to the Registry to obtain administrative orders from the Honourable the Chief Justice.

1. In WP(C) No.32027/2024, order dated 07.10.2024 is as follows:

'Post along with WP(C) 30131/2016 on 09.10.2024.'

X X X

2. In WP(C) 35935/2024, order dated 15.10.2024 directs as follows:

'Post along with WP(C) Nos.34132/2024 and 16757/2023 on 17.10.2024.'

X X X

3. In WP(Crl.) 346/2023, order dated 27.09.2024 reads as follows:

'Post this matter along with WP(Crl.) 858/2023 on 18.10.2024.'

X X X

4. In WP(C) 32752/2024 as per order dated 13.09.2024 direction is given as follows:



'Post along with WP(C) No.27991/2024.'

X X X

5. *In WP(C) 30479/2019, as per order dated 10.08.2023, it was ordered as follows:*

'Post along with connected case WP(C) 19328/2015'

X X X

6. *In WP(C) 34309/2024, as per order dated 08.10.2024 direction was given as follows:*

'Post on 15.10.2024 along with WP(C) 31494/2024.'

X X X

7. *In WP(C) 27390/2024, order dated 01.09.2024 reads as follows:*

'Post along with WP(C) 574/2021.'

X X X

8. *In Crl.RP (F.No.) 897/2024, as per order dated 03.09.2024, it was directed as follows:*

'Post along with WP(C) 7844/2023.'

X X X

9. *In WP(C) 14260/2020, as per order dated 15.10.2024, it was directed as follows:*

'Post after 1 week along with WP(C) 27303/2024 dated 23.10.2024.'

X X X

10. *In WP(C) 27072/2024, order dated 17.10.2024 reads as follows:*

'Post along with WP(C) No.29640/2024 on 24.10.2024.'

X X X



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3. The Registry has referred to the decision of the Hon'ble Supreme Court in the case of *State of Rajasthan v. Prakash Chand [(1998) 1 SCC 1]* and the decision of the Constitution Bench in the case of *Campaign for Judicial Accountability and Reforms v. Union of India and Another [(2018) 1 SCC 196]*.

4. Reference is made to the judgment dated 21 May 2024 delivered by the Division Bench of this Court (A.J. Desai, C.J. and V.G. Arun, J.) wherein, in respect of matters involving orders passed without complying with the roster, in paragraph (9) the Division Bench observed that the office is duty bound to list matters before the concerned Judge strictly as per the roster, unless otherwise ordered by the Chief Justice and any deviation from this direction, thereby causing difficulties to the Hon'ble Judges or Advocates appearing in the matters, will invite disciplinary action.

5. Thereafter, the Registry reiterating the directions of the Division Bench issued Circular No.1/2024 dated 29 May 2024.

6. The orders listed by the Registry in paragraph (1) as above are passed after the judgment of the Division Bench dated 21 May 2024 and the circular dated 29 May 2024. In the light thereof, the Registry has stated that further course of action to be taken by the Registry in respect of the judicial orders be decided.



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7. The legal position as regards adherence to the roster, is settled by the Hon'ble Supreme Court in the case of *Prakash Chand* and reiterated by the Constitution Bench in the case of *Campaign for Judicial Accountability and Reforms*. The Registry has drawn our attention to the observations of the Constitution Bench that any order passed which is contrary to the law laid down therein would be ineffective in law.

8. So as to avoid inconvenience to the Hon'ble Judges, advocates and the litigants, and to achieve expediency, the Registry, upon receipt of such order, without delay shall put up submission before the Chief Justice for passing necessary administrative orders. It will aid the Registry if the judicial order gives a brief indication as to the need for adopting the course of action.

9. The proceeding stands closed.

Sd/-
NITIN JAMDAR,
CHIEF JUSTICE

Sd/-
S. MANU,
JUDGE

krj

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APPENDIX OF JPP 5/2024

PETITIONER ANNEXURES:-

- Annexure 1 JUDGMENT OF HONOURABLE SUPREME COURT IN STATE OF RAJASTHAN VS. PRAKASH CHAND (1998)
- Annexure 2 JUDGMENT OF HONOURABLE SUPREME COURT IN CAMPAIGN FOR JUDICIAL ACCOUNTABILITY AND REFORMS VS. UNION OF INDIA (2018)
- Annexure 3 JUDGMENT OF HONOURABLE HIGH COURT OF BOMBAY IN CHAITYA SHAH VS. UNION OF INDIA & ORS
- Annexure 4 OFFICE COMMUNICATION ISSUED BY THE REGISTRAR (JUDICIAL) IN R3-2024-RJ DATED 22.05.2024
- Annexure 5 ORDER DATED 21.05.2024 OF HONOURABLE DIVISION BENCH IN WA 692/2024
- Annexure 6 OFFICE CIRCULAR NO. 1/2024 DATED 29.05.2024 OF HIGH COURT OF KERALA