

Court No. - 33

Case :- WRIT - C No. - 4521 of 2001

Petitioner :- Naresh Chand Jain And Others

Respondent :- Ghaziabad Development Authority And Another

Counsel for Petitioner :- Amit Saxena, Santosh Tripathi

Counsel for Respondent :- A.K. Misra, Aditya Singh, Pradeep Kumar Tripathi, S.C.

Hon'ble Vikram D. Chauhan, J.

1. The present writ petition is filed with the following prayer:

"(a) issue a suitable writ, order or direction in the nature of a writ of certiorari and quash the judgment and order dated 26.12.2000 passed by the respondent No.2 (Annexure '4' to the writ petition)."

2. When the matter was taken up, it was informed by the Bench Secretary that although the jurisdiction to entertain the writ petition is with this Court, however, listing application was placed before the co-ordinate Bench of this Court and co-ordinate Bench of this Court by order dated 14.2.2025 has directed to list with previous papers on 7.3.2025. In pursuance to the aforesaid order dated 14.2.2025, the matter was listed before this Court today. It has been informed that the jurisdiction to hear the writ petition is with this Court, it is not known as to how listing application was directed to place before the co-ordinate Bench of this Court. Listing application normally follows the Court where the jurisdiction of writ petition lies.

3. It has also been informed by Bench Secretary that in several matters listing applications are being sent to different Courts (who have no jurisdiction to entertain the writ petition) and the orders are being passed for listing of the cases and the matter is listed before this Court. It is to be seen that the listing application is required to be placed before the original jurisdictional Court and the aforesaid pattern is being followed since long. However, now the computerization has taken place and new software has been put in place. It has been informed to the Court that software follows the jurisdictional Court of the original case i.e. writ petition and listing application can be sent to another Court only by changing Bench I.D. fixed in the computer data base.

4. In view of the aforesaid, Registrar General of this Court is directed to hold an enquiry and submit a report as to how listing application dated 10.2.2025 was placed before a co-ordinate Bench of this Court although the jurisdiction of the case vests with this Court. Registrar General shall also submit a report whether Bench I.D. in the computer data base was changed by any employee of the institution. In the event, the Bench I.D. in computer data base was changed then the authority under which the aforesaid Bench I.D. was changed so that listing application be placed before the Court, which has no jurisdiction to hear the original writ petition. Bench Secretary has further informed that such a situation has arisen in respect of

number of matters.

5. We remind the Registrar General of this Court that the Registrar General is responsible for smooth operation of the listing of the cases and the application filed in the pending cases. It is the duty of the Registry to place the application filed by parties in pending cases before the Court having jurisdiction of the original case unless there is an order of Hon'ble the Chief Justice to place before another Bench. The change of Bench I.D. without proper permission of Hon'ble the Chief Justice is, prima facie, amounts to interference in the administration of justice. Co-ordinate Bench of this Court cannot direct another co-ordinate Bench to hear the case on a particular date as each Court is master of the jurisdiction. Even otherwise placing of listing application before another Court, who has no jurisdiction to entertain the original writ petition would amount to tampering or violating the Constitution of the different Benches as has been ordered by Hon'ble the Chief Justice.

6. The matter is very serious. The Registrar General shall himself hold an enquiry and he will not authorize any other officer to hold an enquiry in this respect. Registrar General being head of the office is primarily responsible to oversee that the employees do not tamper with the jurisdiction of the Court by placing the matter before another Court.

7. It is further directed that the Bench I.D. in a particular case and application concerned shall not be changed in the computer data base of the High Court during currency of the Constitution notified by Hon'ble the Chief Justice without a two factor authentication of which the approving authority would be not below the rank of Registrar. The Registrar General shall submit the compliance report in this respect and necessary changes in the software shall be made with immediate effect.

8. List this case on 12th March, 2025 in Chamber at 1:30 p.m., on which date, Registrar General shall remain present along with the report.

9. This case shall be treated as tied up to this Bench.

Order Date :- 7.3.2025

D. Tamang