

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2104 OF 2018
WITH
CHAMBER SUMMONS NO.176 OF 2018
AND
CHAMBER SUMMONS NO.102 OF 2019

Shahjahan S. Mulla	..	Petitioner/ Applicant.
v/s.		
Swati Gupta, Ld. Magistrate CMM, New Delhi & Another	..	Respondents.

Mr. Vijay S. Kurle i/b. Mr. Partha S. Sarkar, for the Petitioner/ Applicant.

**CORAM: A.S.OKA &
M.S.SANKLECHA, JJ.**
DATE : 8th APRIL, 2019.

P.C:-

Heard the learned Counsel appearing for the Petitioner. Going by the averments made in the Petition as well as in the Chamber Summons, it appears that the Petitioner's grievance is against a Judicial Officer working in New Delhi. The Judicial Officer against whom allegations are made is the learned Chief Metropolitan Magistrate at New Delhi and, therefore, this Petition ought not to be entertained by this Court. The Petitioner is seeking initiation of disciplinary proceedings against the learned Judge.

2 The issue whether the disciplinary proceedings against a Judicial Officer are required to be initiated or not can only be decided by the Disciplinary Authority which is competent to initiate the disciplinary proceedings.

3 Hence, we decline to entertain this Petition. Accordingly, the Petition is rejected. However, we make it clear that no adjudication is made by us on the allegations made by the Petitioner.

4 In view of the **rejection** of the **Petition**, nothing survives in the Chamber Summons and the same is also rejected.

(M.S.SANKLECHA,J.)

(A.S.OKA,J.)