

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2229 of 2020**

1. Santosh Kumar Pandey S/o Shri Chandrashekhar Pandey, Aged About 46 Years Advocate High Court Of Chhattisgarh, Residence Of Kanha Kunj, Chantidih Main Road, Near Ramayan Chowk, Police Station – Sarkanda, District : Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. Union Of India Through Secretary, Government Of India, Ministry Of Law And Justice, Department Of Legal Affairs, Shastri Bhawan, Dr. Rajendra Prasad Marg, New Delhi - 110001
2. State Of Chhattisgarh, Through - Secretary (Law And Legislation Department) Mahanadi Bhawan, Mantralay Atal Nagar Nava Raipur , District : Raipur, Chhattisgarh
3. The High Court Of Chhattisgarh, Through Registrar General, High Court Of Chhattisgarh, High Court Campus Bodri, District : Bilaspur, Chhattisgarh

----- Respondents

For Petitioner	:	Mr. Santosh K. Pandey, Advocate
For State	:	Mr. Siddharth Dubey, Dy. Govt. Adv.
For Resp. No. 1	:	Mr. Ramakant Mishra, A.S.G.
For Resp. No. 3	:	Mr. Prafull N. Bharat, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****28.10.2020**

1. The present writ petition has been filed with a limited prayer that the

respondents be directed to consider and decide the representation that the petitioner has filed with the High Court. The representation seems to have been filed calling for an amendment of the High Court Rules by incorporating certain guidelines under the contempt jurisdiction.

2. During the course of hearing, the petitioner himself submits that subsequent to the filing of the writ petition he has received a communication from the respondent no. 3 intimating that the representation filed by him was rejected on 27.1.2020 itself and the order has been communicated to the petitioner through the Registrar General which is a notesheet with the signature of the Hon'ble Chief Justice. The said information has been provided under R.T.I.
3. According to the petitioner, the High Court is one which is constituted under Article 216 of the Constitution of India which consist of the Chief Justice and all the other judges of the High Court. And therefore any representation made to the High Court should not be decided by the Registrar General but only by the Full Court of the High Court.
4. Once when such communication has been received by the petitioner under the R.T.I. Act. *Prima-facie* this Court is of the opinion that since the petitioner has been intimated of the decision taken on his representation Annexure P-1, that the respondent no. 3 has taken a decision, the grievance of the petitioner as such stands redressed. If the said order is not acceptable to the petitioner, he would be at liberty to take appropriate remedial measure for assailing the same, if permissible under the law.

5. Second reason why this Court is reluctant to entertain the writ petition is the fact that the nature of relief sought for by the petitioner is not one which could be brought by way of an amendment to the Chhattisgarh High Court Rules of 2007, which otherwise are Rules framed invoking the provisions of Article 225 and 227 of the Constitution of India.
6. Moreover, the nature of relief sought for by the petitioner is one which would be touching upon the power and jurisdiction of a Hon'ble Judge exercising the power under Article 226 and 227 of the Constitution of India, which again is not within the domain of the respondents in the present writ petition to be monitored by issuance of any guideline.
7. As regards the contention of the counsel for the petitioner that the representation of the petitioner ought to have been placed before the Full Court and which should not have been rejected by the Registrar General of the High Court, this again in the opinion of the Court is not one which could be decided by the petitioner or as a matter of right he could claim to be considered by the Full Court. The matters which has to be placed before the Full Court are decided exclusively by the Hon'ble Chief Justice and only if he is satisfied that the matter is such which needs consideration by the Full Court is a matter then thereafter placed before the Full Court.
8. Moreover, if the petitioner or for that matter any person who is not satisfied with the proceedings drawn in a contempt petition in a particular contempt matter, it would always be open for the said person to have questioned the same by taking appropriate remedial measure

arising out of the said order.

9. For all the aforesaid reason, this Court does not find any strong case made out by the petitioner calling for issuance of any direction/writ at this juncture. The writ petition, accordingly stands rejected.

Sd/-
P. Sam Koshy
Judge

Rahul