



C.M.P.No.8286 of 2020
in O.S.A.No.24 of 2020

WEB COPY

C.M.P.No.8286 of 2020
in O.S.A.No.24 of 2020

M.DURAIWAMY, J.
and
SUNDER MOHAN, J.

(Order of the Court was made by M.Duraiswamy, J.)

The learned Registrar General of this Court filed the above petition seeking to modify/clarify the directions made in O.S.A.No.24 of 2020 contained in the form of “Note to Registry” in its order dated 18.02.2020 and to pass suitable clarifications.

2.By order dated 18.02.2020, the Division Bench of this Court passed the following order captioned as “Note to Registry”:

“It is seen from the records that a sum of Rs.5,00,00,000/- was deposited by the respondent in OP.No.849 of 2017 in the year 2017 and the amount has been lying in Court deposit without any interest. The parties to the litigation could be benefited by depositing the money in interest bearing Fixed Deposit, otherwise, the interest will not get accrued and the parties may not be benefited. Therefore, it is made clear that whenever a deposit is made in Court, the Registry or concerned Court shall deposit the said amount to the credit of said proceedings in interest bearing Fixed Deposit in any of the nationalised banks in reinvestment scheme. The Registry is further directed to issue circular in this regard to all the Courts, so that money may not remain locked without any interest.”

3.Now, the learned Registrar General has filed the above petition seeking to



C.M.P.No.8286 of 2020
in O.S.A.No.24 of 2020

modify/clarify the said Note stating that as per Article 283 of the Constitution of India, the custody of Consolidated Fund of India/State, Contingency Fund and the custody of public money, including the withdrawal of money from such accounts and all other matters ancillary or incidental thereto, shall be regulated by laws made by Parliament in the case of Consolidated Fund of India and by the respective States in respect of the Consolidated Funds of the State. Further, in the affidavit filed in support of the petition, the learned Registrar General has stated that as per Article 284 of the Constitution of India all moneys received by or deposited with (a) any officer employed in connection with the affairs of the Union or of a State in his capacity as such other than revenues or public moneys raised or received by the Government of India or the Government of the State as the case may be, or (b) any Court within the territory of India to the credit of any cause, matter, account or persons, shall be paid into the public account of India or the public account of the State, as the case may be. Relying upon Articles 283 and 284 (b) of the Constitution of India, the learned Registrar General has stated that it would be impermissible for the Registrar General of the High Court or the Registry of any other Subordinate Court to unilaterally invest the same in any Nationalized Bank or other Fixed Deposits or Bonds and such an act would be in transgression of the Constitutional provisions, particularly Article 283 and 284 of the Constitution of India. Further, it has been stated in the affidavit that this Court or Subordinate Courts are not denuded of their judicial power to issue



C.M.P.No.8286 of 2020
in O.S.A.No.24 of 2020

specific directions to invest the money in any Nationalized Banks or other Fixed Deposit. Further, it has been stated that on such specific directions, the Registry will comply with the same and make such investments and subject to the directions of the Court, the interest accrued therefrom will be paid to the parties to the litigations. Therefore, from the above, it is clear that unless this Court or the Subordinate Court gives a direction to invest the amount deposited by the parties in any Bank, the same cannot be invested by the Registry on their own.

4. Therefore, we are of the considered view that unless, either this Court or the Subordinate Court gives a direction to the Registry to invest the amount deposited by the parties in any Bank, the same cannot be done by the Registry of the Courts on their own. In such view of the matter, we are of the considered view that no circular need be issued to the Subordinate Courts to deposit the amounts in any Bank without a specific direction from the concerned Court.

5. With this modification, the petition is disposed of.

va

[M.D.,J.] [S.M.,J.]
01.08.2022
(2/2)

M.DURAI SWAMY, J.



WEB COPY



**C.M.P.No.8286 of 2020
in O.S.A.No.24 of 2020**

**and
SUNDER MOHAN, J.**

va

**C.M.P.No.8286 of 2020
in O.S.A.No.24 of 2020
(2/2)**

01.08.2022