

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16765 of 2022

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Arun Kumar Tiwari, Son of Late Keshaw Tiwari, Resident of Mohalla-
Yaduvanshi Nagar, P.O.- Digha Ghat, P.S.- Digha, Patna- 800011.

... .. Petitioner/s

Versus

1. The High Court of Judicature at Patna Jawaharlal Nehru Marg, Veerchand Patel Road, Area, Patna, Bihar- 800028, through its Registrar General.
2. The Registrar General, The High Court of Judicature at Patna, Jawaharlal Nehru Marg, Veerchand Patel Road Area, Patna, Bihar- 800028.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Tiwari, In Person

For the Respondent/s : Mr. Piyush Lall, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 22-06-2023

Heard learned counsel for the parties.

2. The instant application has been filed for the
following relief(s):-

*“That this is an application for
issuance of writ in the nature of mandamus or
other appropriate writ to declare*

*Rule 1(B) of the Chapter XXI C of the
Patna High Court Rules 1916 ultra vires the*



Constitution of India.”

3. For ready reference Rule 1-B of Chapter XXI-C of the Patna High Court Rules is being quoted herein below:-

“1-B (i) All Civil Writ applications, which are ipso facto treated as urgent may ordinarily be presented 2[at centralised filing counter] on any working day, which is not a court holiday:

[Proviso Deleted by C.S. No. 111 dated 30.9.1996.]

(ii) These applicatons will be laid before the Registrar who shall ordinarily post them for hearing on the next day or the second following day. If, however, the Registrar is satisfied that there is sufficient urgency, he shall mark the petition for hearing on the same day.”

4. Although, the prayer in the instant application is for declaring Rule 1-B of Chapter XXI-C of the Patna High Court Rules as *ultra vires* the Constitution, however, the material that one gathers from the averment made in the writ application is to the effect that inspite of a provision providing that the urgent writ applications may be presented for filing on any working day and shall be ordinarily posted for hearing



on the next day or the second following day, the said provision raises hopes in the minds of the citizens but the cases are not being listed.

5. It may be mentioned here that the grounds for challenging constitutional validity of a legislative enactment or rule framed are that it infringes the fundamental rights, it is outside the competence of the authority which has framed it and is repugnant to the constitutional provisions.

6. Neither any submissions have been made to the above effect nor is there any averment/recital with respect to the same in the writ application. There is absolutely no merit in the writ application.

7. The petitioner has filed the writ petition more by reason of righteous indignation against 'laws delays'. But every case filed though posted expeditiously before Court cannot be disposed off on the very next day or the second following day and that is not the intention of the Rule.

8. It is also pertinent that the petitioner has listed out a few cases filed by him which are pending for long. But that is no reason for him to challenge the rule as *ultra vires*. In this context, we cannot but notice that this very P.I.L. of 2022, when posted for admission on 10.01.2023, none appeared,



despite repeated calls; as recorded in the order of that date.

The writ petition is ill conceived, misconceived and a clear abuse of process of Court.

9. The application is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	N/A
Uploading Date	28.06.2023
Transmission Date	N/A

