

High Court of Karnataka

v.

Commissioner of Customs & Another

(Supreme Court Of India)

HON'BLE MR. JUSTICE DEEPAK VERMA HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

High Court of Karnataka v. Commissioner of Customs & Another

Special Leave to Appeal (Civil) No. /2010 Cc No. 9308-9311/2010 | 15-06-2010

1. Heard Mr. Udaya Holla, learned senior counsel appearing for the petitioner. Permission to file SLP is hereby granted.

2. This petition has been preferred by the High Court of Karnataka, Bangalore primarily against various interim orders passed by the Division Bench of High Court of Karnataka at Bangalore in TRC Nos. 1,2,3 and 4 of 2005 on different dates. We have critically gone through the said interim orders passed on different dates by the Division Bench. Vide the impugned orders, several queries and details are being sought for by it, which, in our considered opinion, prima facie do not appear to be relevant and germane to the facts of the main matter which is being heard by the Division Bench.

3. The Division Bench is in the midst of hearing of an appeal preferred by Commissioner of Customs against respondent No.1 filed under Section 130 of the Customs Act. Impugned orders reveal that apart from hearing the matter, several interim orders are passed calling upon the Registrar General and Registrar (Judl.) of the High Court to furnish many details with which the Bench may not be concerned for effective adjudication of the matter on merits.

4. We have been given to understand that for compliance of the said orders, short adjournments are being given to the Registrar General and Registrar (Judl.) which has put them to great inconvenience.

5. It may be pertinent to mention that, presently, the Hon'ble Chief Justice of the High Court is not taking up judicial matters but continues to function as Chief Justice for all purposes on administrative side including fixing Rosters etc., which, according to us, is exclusively his prerogative.

6. In the facts and circumstances of the case, we deem it fit and proper to stay the operation of the impugned orders passed by Division Bench of High Court until further orders. However, we want to clarify that it shall not preclude the Division Bench to hear the matter on merits.

7. In fact, we are of the considered opinion that it would be inappropriate for any judicial matter to be discussed extra-judicially, that is, apart from hearing it in the Court. It further appears to us that the said interim orders are in complete defiance to the judgment of this Court in State of Rajasthan Vs. Prakash Chand & Ors., (1998) 1 SCC 1. Mr. Udaya Holla, learned senior counsel has specifically

taken us through paragraphs 30, 57 and 59 where certain guidelines have been issued by this Court as to how puisne judges are required to conduct themselves while dealing with judicial matters. The said directions have not been taken into consideration by the Division Bench.

8. Notice be issued to the respondents returnable in the fourth week of July 2010.

9. Since the matter pertains to judicial discipline, we direct the Registrar of this Court to bring it to the notice of Hon'ble the Chief Justice of India.

10. Registrar of this Court is further directed to convey this order to the Registrar General, High Court of Karnataka, Bangalore telephonically as also by fax.