

(2024) 06 KL CK 0011
In the High Court Of Kerala
Case No : Writ Petition (C) No. 12613 Of 2024

N.Prakash

APPELLANT

Vs

Advocate Sangeetha Lakshmana

RESPONDENT

Date of Decision : 03-06-2024

Acts Referred:

Constitution of India, 1950 — Article 226
Contempt of Courts Act, 1971 — Section 15
Contempt of Courts (High Court of Kerala) Rules, 1971 — Rule 7

Citation : (2024) 06 KL CK 0011

Hon'ble Judges : T.R. Ravi, J

Bench : Single Bench

Advocate : B.Unnikrishna Kaimal

Final Decision : Dismissed

Judgement

T.R. Ravi, J

1. The prayer in the writ petition is for issue a writ of mandamus directing the 2nd respondent to place the information covered by Ext.P3 mail before the Hon'ble the Chief Justice on the administrative side, if it has not already been done, in terms of provisions of Rule 7 of the Contempt of Courts (High Court of Kerala) Rules, 1971 within a time limit. A similar writ petition had been filed earlier, which had resulted in Ext.P5 judgment wherein this Court had specifically held that a suo motu initiation of contempt invoking the provisions under Section 15 of the Contempt of Courts Act, 1971, is an administrative function to be exercised by the Hon'ble the Chief Justice or such other designated Judge in terms of the provisions of Rule 7 of the Contempt of Courts (High Court of Kerala) Rules, 1971. The Court specifically held that an attempt to obtain an order directing the placing of the information before the Hon'ble the Chief Justice on the administrative side is not permissible under Article 226 of the Constitution of India. The said finding has not been set aside in the writ appeal which had been preferred by the petitioner against the judgment. Even otherwise, a suo

motu action as the name suggests is suo motu action which cannot be on directions. There is no statutory duty cast upon the Registrar to place before the Hon'ble the Chief Justice every information that he may receive. As long as there is no such statutory duty, no writ of mandamus can be issued.

The writ petition fails and is dismissed.