

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

Friday, the 3rd day of March 2023 / 12th Phalguna, 1944
WP(C) NO. 6912 OF 2023(R)

PETITIONER:

YESHWANTH SHENOY, AGED 44 YEARS, S/O. V.L.SHENOY,
"PRIYADARSHINI", VEEKSHNAM ROAD, ERNAKULAM - 682 018.

RESPONDENTS:

1. THE CHIEF JUSTICE, HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. THE UNION OF INDIA, THROUGH THE SECRETARY, MINISTRY OF LAW & JUSTICE, 4TH FLOOR, A-WING, SHASTRI BHAWAN, NEW DELHI, PIN - 110 001.
3. JUSTICE MARY JOSEPH, JUDGE, HIGH COURT OF KERALA, ERNAKULAM - 682 031.
4. THE REGISTRAR-GENERAL, HIGH COURT OF KERALA, ERNAKULAM - 682 031.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to grant the following interim reliefs pending disposal of this Writ Petition (Civil):

(a) Direct the Respondent No.4 to ensure that the listing of matters before the Court of the Respondent No.3 is done in accordance with the standard criteria applicable to all other Judges of the High Court of Kerala and the same be not curtailed to just 20 matters.

This petition again coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 01/03/2023 and upon hearing the arguments of SRI.YESHWANTH SHENOY, (Party-In-Person) for the petitioner and of SRI.N.N.SUGUNAPALAN, SENIOR ADVOCATE, alongwith SRI.SUJIN.S., Advocates for R4, the court passed the following:

P.T.O.

SHAJI P. CHALY, J

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W.P. (C.) No.6912 of 2023

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DATED THIS THE 03RD DAY OF MARCH, 2023.

ORDER

This writ petition is filed by the petitioner, an Advocate practising in this Court seeking the following reliefs:-

- “(i) To issue a writ of Mandamus to direct the Respondent No. 4 to have a standard criterion for listing of matters before the various courts in the High Court of Kerala in accordance with the directions of the Respondent No. 1 who is the Master of the Roster.
- (ii) To declare that a minimum of 50 matters be listed before every court in the High Court in addition to a 'final disposal' list considering the pendency of matters before the High Court and the right of litigants to Speedy Justice which is a fundamental right recognised under Article 21 of the Constitution of India.
- (iii) To declare that no Judge of the High Court has a right to direct the listing department to curtail the number of matters listed in accordance with the precedents of the Hon'ble Supreme Court.
- (iv) To direct the Respondent No.2 to devise a system by which they can track the number of matters being heard by a High Court Judge every day, the number of disposals and report these numbers to the Chief Justice so as to keep track of the performance of each Judge of the High Court.
- (v) Pass such other further Order/Orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

2. The interim relief sought for in the writ petition is as follows:-

“(a) Direct the Respondent No. 4 to ensure that the listing of matters before the Court of the Respondent No. 3 is done in accordance with the standard criteria applicable to all other Judges of the High Court of Kerala and the same be not curtailed to just 20 matters.”

3. Going through the pleadings and the nature of contentions advanced by the petitioner, I am of the considered opinion that the maintainability of the writ petition is doubtful and therefore, without receiving a counter affidavit from the fourth respondent, i.e., the Registrar General of this Court, I think, it may not be appropriate on my part to proceed further either for the consideration of the main relief or the interim relief.

The fourth respondent is directed to file a counter affidavit.
Post on 21.03.2023.

Sd/-

SHAJI P. CHALY
JUDGE

DCS/03.03.2023