

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 1ST DAY OF NOVEMBER 2021 / 10TH KARTHIKA, 1943

WP(C) NO. 17654 OF 2021

PETITIONERS:

MATHEW Z. PULIKUNNEL
AGED 70 YEARS
26 STRATHCONA DRIVE, BELLEVILLE, ONTARIO,
K8N4H9, CANADA, REPRESENTED BY THE POWER OF
ATTORNEY HOLDER, MR. THARUN THOMAS, AGED 26
YEARS, S/O. MR. P.J. THOMAS, CHALASSERY,
PULIKKUTTISSERY P.O, KOTTAYAM.

BY ADV YESHWANTH SHENOY

RESPONDENTS:

- 1 CHIEF JUSTICE OF INDIA
SUPREME COURT OF INDIA, REPRESENTED BY THE
SECRETARY GENERAL, SUPREME COURT OF INDIA, TILAK
MARG, NEW - DELHI - 110001.
- 2 CHIEF JUSTICE
HIGH COURT OF KERALA, ERNAKULAM, REPRESENTED BY
THE REGISTRAR GENERAL, HIGH COURT OF KERALA,
ERNAKULAM - 682031.
- 3 UNION OF INDIA
THROUGH THE SECRETARY, MINISTRY OF LAW AND
JUSTICE, 4TH FLOOR, A - WING, SHASTRI BHAWAN NEW
DELHI - 110001.
- 4 JUSTICE (RETD), ANTONY DOMINIC
KARIKATTUKUNNEL HOUSE, PAPPALI ROAD,
VAZHAKKALA, KOCHI - 682030.

5 JUSTICE SHAJI P.CHALY,
HIGH COURT OF KERALA, ERNAKULAM - 682031..

BY ADV SHRI.P.VIJAYAKUMAR, ASG OF INDIA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 01.11.2021, ALONG WITH WP(C).17657/2021, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

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RESPONDENTS:

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HIGH COURT OF KERALA, ERNAKULAM, REPRESENTED BY
THE REGISTRAR GENERAL, HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682031.
- 2 UNION OF INDIA
THROUGH THE SECRETARY, MINISTRY OF LAW AND
JUSTICE 4TH FLOOR, A - WING, SHASTRI BHAWAN NEW
DELHI - 110001.
- 3 JUSTICE ASHOK MEMON
HIGH COURT OF KERALA, ERNAKULAM - 682031.

BY ADV SHRI.P.VIJAYAKUMAR, ASG OF INDIA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 01.11.2021, ALONG WITH WP(C).17654/2021, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.B.SURESH KUMAR, J.

W.P.(C) Nos.17654 and 17657 of 2021

Dated this the 1st day of November, 2021.

J U D G M E N T

Among these writ petitions, W.P.(C) No.17654 of 2021 is one instituted seeking, among others, directions to the Chief Justice of India and the Chief Justice of this Court to comply with the In-House Procedure adopted by the Apex Court in relation to the complaints lodged by the petitioner against a former Chief Justice and a sitting Judge of this Court, and W.P.(C) No.17657 of 2021 is one instituted seeking, among others, a direction to the Chief Justice of this Court to comply with the In-House Procedure in relation to a complaint lodged by the petitioner against a former Judge of this Court. The petitioner is one and the same in both the writ petitions. As the issues arising for consideration in the writ petitions are common, they are disposed of by this common judgment.

2. The petitioner in the writ petitions is an overseas citizen of India. He owned an apartment in an apartment complex

which was demolished pursuant to the direction issued by the Apex Court for non-compliance of the mandatory statutory provisions relating to environment.

3. Prior to the demolition of the apartment complex, on a direction issued by the Government, the local authority initiated proceedings against the builder to recall the building permit issued in respect of the apartment complex, alleging violation of the mandatory statutory provisions. The direction issued by the Government and the notice issued by the local authority on that basis for recalling the building permit were challenged by the builder in a writ petition, and this Court allowed the said writ petition setting aside the impugned order and notice. Though W.A.No.132 of 2013 was preferred by the local authority against the decision in the writ petition, the same was dismissed.

4. The case of the petitioner in W.P.(C) No.17654 of 2021 is that the judgment in W.A.No.132 of 2013, which is produced in the said writ petition as Ext.P1, letting the builder, who has violated the law, scot-free is not one conforming to the Restatement of Values of Judicial Life adopted by the Apex Court in as much as it does not reaffirm the faith of the people in the impartiality of the

judiciary. The petitioner, therefore, preferred Ext.P3 complaint before the Chief Justice of this Court against a sitting Judge of this court and Ext.P4 complaint before the Chief Justice of India against a Judge who later retired as the Chief Justice of this Court, for appropriate remedial action. It is alleged by the petitioner that he has not received any response or acknowledgment from the Chief Justice of India or the Chief Justice of this Court in respect of the complaints. In the circumstances, as noted, in W.P.(C) No.17654 of 2021, the petitioner seeks directions to the Chief Justice of India and the Chief Justice of this Court to comply with the In-House Procedure adopted by the Apex Court to deal with the complaints against the Judges. The petitioner also seeks directions to the Chief Justice of India and the Chief Justice of this Court to furnish him a copy of any reasoned order passed on the In-House complaints.

5. It is stated that after the decision of the Apex Court which led to the demolition of the apartment complex, a crime was registered by the State Police against the Managing Director of the builder company and others, and all the accused in the said case except the Managing Director of the builder company were arrested by the police. The case of the petitioner in W.P.(C) No.17657 of

2021 is that the Managing Director of the builder company though obtained an interim anticipatory bail from the Madras High Court in the said case on a plea that he is residing within the limits of that court, the said order was later recalled on the ground that the same was obtained by suppressing the facts that the builder company has an office in the State and that he was arrayed as an accused not in his individual capacity, but in his capacity as the Managing Director of the company. Later, the Managing Director of the builder company preferred an application for anticipatory bail before this Court. It is alleged by the petitioner that though the said application was heard on 06.02.2020, orders were not pronounced on the application for quite some time and later on 29.06.2020, the same was allowed as per Ext.P3 order in the said writ petition. It is alleged that though the Judge was able to dispose of 561 other applications for bail in between, there was no explanation in Ext.P3 order as to the delay. It is also alleged that the decision of the Madras High Court in recalling the interim bail granted to the party was dealt with by the Judge in Ext.P3 order lightly by referring to the said action merely as one objectionable to that court. According to the petitioner, Ext.P3 order granting anticipatory bail to the

Managing Director of the builder company is also not one conforming to the Restatement of Values of Judicial Life adopted by the Apex Court in as much as it does not reaffirm the faith of the people in the impartiality of the judiciary. It is stated by the petitioner that though he has preferred Ext.P4 complaint before the Chief Justice of this Court against the Judge seeking remedial action, he has not received any response or acknowledgment in respect of the same. W.P.(C) No.17657 of 2021 is filed by the petitioner seeking identical relief in respect of the said complaint as sought for in W.P.(C) No.17654 of 2021.

6. Heard the learned counsel for the petitioner.

7. The learned counsel for the petitioner submitted that Ext.P1 judgment in W.P.(C) No.17654 of 2021 and Ext.P3 order in W.P.(C) No.17657 of 2021 are not conforming to the Restatement of Values of Judicial Life adopted by the Apex Court on 07.05.1997, in as much as the same do not reaffirm the faith of the people in the impartiality of the judiciary. It was also submitted by the learned counsel that if an act or omission or commission of a Judge does not follow universally accepted values of judicial life including those included in the Restatement of Values of Judicial Life, the aggrieved

person is entitled to prefer a complaint for suitable remedial action, and such complaints are to be disposed of in accordance with the In-House Procedure prescribed by the Apex Court on 15.12.1999. It was also submitted by the learned counsel that the Chief Justice of India as also the Chief Justice of this Court are, therefore, duty bound to take action on the complaints preferred by the petitioner and insofar as actions were not taken on the complaints to the knowledge of the petitioner, the petitioner is entitled to get the reliefs sought for in the writ petition.

8. On a query from the Court as to whether a writ petition under Article 226 of the Constitution could be instituted for action on complaints lodged against Judges in terms of the In-House Procedure, the learned counsel for the petitioner, placing reliance on paragraph 37 of the decision of the Apex Court in **Addl. District & Sessions Judge 'X' v. High Court of M.P.**, (2015) 4 SCC 91, submitted that judicial redress is permissible in matters of this nature. It was also pointed out by the learned counsel that in view of the importance of the In-House Procedure, with a view to bring it into public domain, the Apex Court has also directed its Registry in terms of the said judgment to place the In-House Procedure adopted

by it in the website of the Court. According to the learned counsel, in the light of the said direction, the Chief Justice of India or the Chief Justice of the High Court, as the case may be, is bound to act upon complaints lodged against Judges.

9. In a democracy governed by rule of law, judiciary is sentinel on the *qui vive* to protect the fundamental rights of the citizens and also to poise the scales of justice between the citizens and the State. As held by the Apex Court in **S.P. Gupta v. Union of India**, 1981 Supp SCC 87, if there is one principle which runs through the entire fabric of the Constitution, it is the principle of the rule of law. Independence of the judiciary is an essential attribute of rule of law and it is the judiciary which is entrusted under our Constitution with the task of keeping every organ of the State within the limits of the law and thereby making the rule of law meaningful and effective. As noted, the judiciary protects the citizens against violation of their constitutional or legal rights or misuse or abuse of power by the State or its officers. It is, therefore, absolutely essential that the judiciary must be free from executive pressure or influence which has been secured by making elaborate provisions in the Constitution. The independence of judiciary is not limited only to the

independence from the executive pressure or influence, it is a wider concept which takes within its sweep independence from any other pressures and prejudices. The need to preserve judicial independence assumes significance in the light of the complex nature of the litigation of the present day which requires not merely to interpret the law but also to lay new norms of law and mould the law to suit the changing social and economic scenario to make the ideals enshrined in the Constitution meaningful and a reality.

10. The Constitution provides for a cumbersome process of impeachment in terms of Article 124(4) as a mode to remove a Judge from office, that too, only for proved misbehaviour or incapacity. It reinforces that independence of the Judge is of paramount importance to sustain, strengthen and elongate rule of law. That apart, removal of a Judge by impeachment was designed to produce as little damage as possible to judicial independence, public confidence in the efficacy of judicial process and to maintain authority of courts for its effective operation.

11. The judiciary has no power of the purse or sword. It survives only by public confidence and it is important to the stability of the society that the confidence of the public is not shaken. The

society is certainly therefore entitled to expect that a Judge must be a man of integrity, honesty and impeccable behaviour. Any conduct which tends to undermine public confidence in the integrity and impartiality of the Judge would be deleterious to the efficacy of judicial process. Although Article 124(4) of the Constitution sanctions action for removal of a Judge only on proved misbehaviour or incapacity, every action or omission by a judicial officer in the performance of his duties which is not a good conduct is likely to produce deleterious effect on the integrity and impartiality of the judiciary. That apart, the bad behaviour of one Judge has a rippling effect on the reputation of the judiciary as a whole. When the edifice of judiciary is built heavily on public confidence and respect, the damage by an obstinate Judge would rip apart the entire judicial structure built in the Constitution. Bad conduct or bad behaviour of a Judge, therefore, needs correction to prevent erosion of public confidence in the efficacy of judicial process or dignity of the institution or credibility to the judicial office held by the obstinate Judge. When the Judge cannot be removed by impeachment process for such conduct and when such conduct generates widespread feeling of dissatisfaction among the general public, there must exist

some other means to ensure that Judges do not abuse the trust the society has in them. Self-regulation by the judiciary is one of the methods which has been tried and adopted in other parts of the world.

12. Having regard to the aforesaid, in the context of the allegations and accusations levelled against the Chief Justice of Bombay High Court by the association of lawyers, in **C. Ravichandran Iyer v. Justice A.M. Bhattacharjee**, (1995) 5 SCC 457, the Apex Court made the following observations:

“40. Bearing all the above in mind, we are of the considered view that where the complaint relates to the Judge of the High Court, the Chief Justice of that High Court, after verification, and if necessary, after confidential enquiry from his independent source, should satisfy himself about the truth of the imputation made by the Bar Association through its office-bearers against the Judge and consult the Chief Justice of India, where deemed necessary, by placing all the information with him. When the Chief Justice of India is seized of the matter, to avoid embarrassment to him and to allow fairness in the procedure to be adopted in furtherance thereof, the Bar should suspend all further actions to enable the Chief Justice of India to appropriately deal with the matter. This is necessary because any action he may take must not only be just but must also appear to be just to all concerned, i.e., it must not even appear

to have been taken under pressure from any quarter. The Chief Justice of India, on receipt of the information from the Chief Justice of the High Court, after being satisfied about the correctness and truth touching the conduct of the Judge, may tender such advice either directly or may initiate such action, as is deemed necessary or warranted under given facts and circumstances. If circumstances permit, it may be salutary to take the Judge into confidence before initiating action. On the decision being taken by the Chief Justice of India, the matter should rest at that. This procedure would not only facilitate nipping in the bud the conduct of a Judge leading to loss of public confidence in the courts and sustain public faith in the efficacy of the rule of law and respect for the judiciary, but would also avoid needless embarrassment of contempt proceedings against the office-bearers of the Bar Association and group libel against all concerned. The independence of judiciary and the stream of public justice would remain pure and unsullied. The Bar Association could remain a useful arm of the judiciary and in the case of sagging reputation of the particular Judge, the Bar Association could take up the matter with the Chief Justice of the High Court and await his response for the action taken thereunder for a reasonable period.

41. In case the allegations are against Chief Justice of a High Court, the Bar should bring them directly to the notice of the Chief Justice of India. On receipt of such complaint, the Chief Justice of India would in the same

way act as stated above qua complaint against a Judge of the High Court, and the Bar would await for a reasonable period the response of the Chief Justice of India.

42. It would thus be seen that yawning gap between proved misbehaviour and bad conduct inconsistent with the high office on the part of a non-cooperating Judge/Chief Justice of a High Court could be disciplined by self-regulation through in-house procedure. This in-house procedure would fill in the constitutional gap and would yield salutary effect. Unfortunately, recourse to this procedure was not taken in the case at hand, may be, because of absence of legal sanction to such a procedure.”

It is in the light of the decision in **Ravichandran Iyer**, the Apex Court has adopted on 15.12.1999 by means of self regulation, the In-House Procedure, with a view to ensure that Judges do not abuse the trust the society repose in them.

13. Now, let us examine the scope of the self-regulation conceived and implemented in terms of the In-House Procedure to discipline the bad conduct inconsistent with the high judicial offices. **Indira Jaising v. Registrar General, Supreme Court of India and Another**, (2003) 5 SCC 494 is a case in which the scope of the In-House Procedure has been considered and

explained by the Apex Court. That was a writ petition filed under Article 32 of the Constitution for publication of the report of an enquiry made in terms of the In-House Procedure. It was held in that case that the purpose of enquiry provided for in the In-House Procedure is only to enable the Chief Justice of India to ascertain the truth of the imputation made in the complaints against Judges and that if the report made on such enquiry is given publicity, the same will only lead to more harm than good to the institution. It was also held in the said case that in such cases the only course open to the parties, if they have material, is to invoke the provisions of Articles 124 or 217 of the Constitution, as the case may be, and it is not appropriate for the parties to approach the court for relief or direction for release of the report, for what the Chief Justice of India or the Chief Justice of the State, as the case may be, is doing in terms of the In-House Procedure is only to get information from peer Judges of those who are accused and report made to the Chief Justice is wholly confidential. It was also held therein that the said report is only intended for the purpose of the satisfaction of the Chief Justice that such a report has been made, for it is purely preliminary in nature, *ad hoc* and not final. It was also held that if

the Chief Justice of India is satisfied that no further action is called for in the matter, the proceeding will stand closed and if any further action is to be taken as indicated in the In-House Procedure itself, the Chief Justice may take such further steps as he deems fit.

Paragraph 3 of the said judgment reads thus:

“3. The Committee referred to by the petitioner is stated to have been constituted as a part of in-house procedure. A Judge cannot be removed from his office except by impeachment by a majority of the House and a majority of not less than 2/3rds present and voting as provided by Articles 124 and 217 of the Constitution of India. The Judges (Inquiry) Act, 1968 has been enacted providing for the manner of conducting inquiry into the allegation of judicial conduct upon a motion of impeachment sponsored by at least hundred Lok Sabha Members or fifty Rajya Sabha Members. The Presiding Officer of the House concerned has the power to constitute a committee consisting of three persons as enumerated therein. No other disciplinary inquiry is envisaged or contemplated either under the Constitution or under the Act. On account of this lacuna in-house procedure has been adopted for inquiry to be made by the peers of Judges for report to the Hon'ble the Chief Justice of India in case of a complaint against the Chief Justices or Judges of the High Court in order to find out the truth of the imputation made in the complaint and that in-house inquiry is for the purpose of his own information and satisfaction. A report made on

such inquiry if given publicity will only lead to more harm than good to the institution as Judges would prefer to face inquiry leading to impeachment. In such a case the only course open to the parties concerned if they have material is to invoke the provisions of Article 124 or Article 217 of the Constitution, as the case may be. It is not appropriate for the petitioner to approach this Court for the relief or direction for release of the report, for what the Chief Justice of India has done is only to get information from peer Judges of those who are accused and the report made to the Chief Justice of India is wholly confidential. The said report is only for the purpose of satisfaction of the Chief Justice of India that such a report has been made. It is purely preliminary in nature, ad hoc and not final. If the Chief Justice of India is satisfied that no further action is called for in the matter, the proceeding is closed. If any further action is to be taken as indicated in the in-house procedure itself, the Chief Justice of India may take such further steps as he deems fit. Therefore, in the hierarchy of the courts, the Supreme Court does not have any disciplinary control over the High Court Judges, much less the Chief Justice of India has any disciplinary control over any of the Judges. That position in law is very clear. Thus, the only source or authority by which the Chief Justice of India can exercise this power of inquiry is moral or ethical and not in exercise of powers under any law. Exercise of such power of the Chief Justice of India based on moral authority cannot be made the subject-matter of a writ petition to disclose a report made to him.”

As discernible from the extracted passage of the judgment, the view taken by the Apex Court in the said case is that in the hierarchy of the courts, the Supreme Court does not have any disciplinary control over the High Court Judges, much less the Chief Justice of India has any control over any of the Judges and therefore, the only source or authority by which the Chief Justice of India can exercise this power of enquiry is moral or ethical and not in exercise of powers under any law. The aforesaid principles would apply squarely to the complaints made to the Chief Justice of the High Court as well. Needless to say that when the power contemplated to be exercised for the purpose of conducting enquiries on the complaints in terms of the In-House Procedure being only the moral authority, the complainants will not have any enforceable rights in relation to the complaints and if so, they cannot approach the court for any relief in respect of such complaints. In other words, a writ petition seeking directions to the Chief Justice of India or the Chief Justice of the High Court for action on a complaint lodged against a Judge in accordance with the In-House Procedure, or seeking reasoned orders on such complaints is not maintainable.

14. Paragraph 37 of the judgment in **Additional**

District and Sessions Judge 'X' relied on by the learned counsel for the petitioner to contend that the petitioner is not precluded or prevented from seeking judicial redress, reads thus:

“37. It is impermissible to publicly discuss the conduct of a sitting Judge, or to deliberate upon the performance of his duties, and even on/of court behaviour, in public domain. Whilst the “In-House Procedure” lays down means to determine the efficacy of the allegations levelled, it is now apparent, that the procedure is not toothless, in the sense, that it can lead to impeachment of the Judge concerned under Article 124 of the Constitution of India. Such being the cause, effect and repercussions of the findings recorded during the course of the “In-House Procedure”, this Court in *Indira Jaising case [Indira Jaising v. Registrar General, Supreme Court of India, (2003) 5 SCC 494]* declined to entertain the writ petition filed at the behest of a third party, seeking details of the proceedings, and the consequential report prepared by the Committee of Judges. But, that should not be understood to mean, that an individual concerned, who is called upon to subject himself/herself to the contemplated procedure, should be precluded or prevented from seeking judicial redress. It is now well understood, that an individual who subjects himself/herself to the jurisdiction of an authority, cannot turn around to find fault with it at a later juncture. If there is a fault, the same should be corrected, before one accepts to submit to the jurisdiction of the authority concerned. The submission of the petitioner in the present case, to the “two-Judge

Committee”, would certainly have had the above effect. We are therefore satisfied to hold, that those who are liable to be affected by the outcome of the “In-House Procedure”, have the right to seek judicial redressal, on account of a perceived irregularity. The irregularity may be on account of the violation of the contemplated procedure, or even because of contemplated bias or prejudice. It may be on account of impropriety. The challenge can extend to all subjects on which judicial review can be sought. The objections raised on behalf of Respondent 3, in respect of the sustainability of the instant petition at the hands of Addl. D & SJ X, are therefore wholly untenable. The challenge to the maintainability of the instant writ petition, is accordingly declined.”

As evident from the extracted paragraph of the judgment, the same is rendered after referring to **Indira Jaising**. In paragraph 36 of **Additional District and Sessions Judge 'X'**, after referring to paragraph 3 of the judgment in **Indira Jaising** extracted in paragraph 13 above, the Apex court has made the following observation :

“A perusal of the observations made by this Court in the extract reproduced above, reveals that the existence of the “In-House Procedure” is now an established means for inquiring into allegations levelled against a Judge of a superior court, through his peers. It is a confidential inquiry for institutional credibility under the charge of the

Chief Justice of India. And therefore, its affairs are to be kept out of public domain. The proceedings under the above procedure being sensitive, are required to be inaccessible to third parties. And therefore, the prayer seeking the disclosure of the report submitted on the culmination of the “In-House Procedure” was declined. The object sought to be addressed through the “In-House Procedure”, is to address concerns of institutional integrity. That would, in turn, sustain the confidence of the litigating public, in the efficacy of the judicial process.”

The extracted observation would indicate that the learned Judges who decided **Additional District and Sessions Judge 'X'** have agreed with the view taken by the Apex court in **Indira Jaising**. True, it is observed in the said case that the judgment in **Indira Jaising** does not preclude or prevent those who are liable to be affected by the outcome of the In-House Procedure to have the right to seek judicial redressal in respect of the said Procedure. It is relevant in this context to note that the above observation has been made in the context of the right of a person who raised allegations of sexual harassment against a Judge and who has been called upon to subject herself to the contemplated procedure to seek judicial redress in respect of the procedure. If the observation aforesaid is

understood in the context of the case, and having regard to the fact that the same has been made after recording the approval of the court to the ratio in **Indira Jaising**, it is clear that the same does not lead to the inference that anybody who prefers a complaint against a Judge is entitled to set in motion a proceedings under Article 226 of the Constitution on an allegation that the Chief Justice of India or the Chief Justice of the High Court, as the case may be, has not provided a response to the complaint or that the receipt of the complaint has not been acknowledged. It is all the more so since complainants in complaints alleging acts or omission or commission on the part of Judges, not amounting to proved misbehaviour or incapacity falling within the scope of Article 124(4) of the Constitution, but not conforming to the Restatement of Values of Judicial Life, cannot be said to be affected persons for seeking judicial redress, in the light of the decision of the Apex Court of **Indira Jaising**. I take this view also for the reason that in terms of the In-House Procedure, the scope of which has been explained by the Apex Court in **Indira Jaising**, the proceedings on the complaints will stand closed if the Chief Justice of India or the Chief Justice of the High Court is satisfied that no further action is called

for in the complaints.

15. The specific contention raised by the learned counsel for the petitioner at the time of arguments was that the reliefs sought for in the writ petitions would fall within the domain of the administrative function of the Chief Justices, not relating to the judicial function at all, and the writ petitions are, therefore, maintainable. In the light of the decision of the Apex Court in **Indira Jaising** that in the hierarchy of the courts, the Supreme Court does not have any disciplinary control over the High Court Judges, much less the Chief Justice of India has any disciplinary control over any of the Judges and that the only source or authority by which the Chief Justice of India can exercise this power of inquiry in terms of the In-House Procedure is moral or ethical and not in exercise of powers under any law, it is clear that the In-House procedure does not fall within the realm of the administrative function of the Chief Justice of India as also the Chief Justice of the High Court. Therefore, there is absolutely no substance in this contention as well.

16. Before parting with the judgment, it is necessary to observe that the very nature of the function to decide a dispute

between two, in favour of one, is not only onerous, but one which is likely to invite the wrath of the other. If it is held that a party who is directly or indirectly connected with a dispute decided by a Judge can approach the Court in a proceedings under Article 226 of the Constitution seeking direction on a complaint lodged against the Judge concerning the decision taken by him alleging that the same is not one conforming to the Restatement of Values of Judicial Life, there cannot be any doubt that the same will have a deleterious effect on the institution. Every Judge must be assured unequivocally that his legal decisions, no matter how unpopular, will not lead to personal punishment and that the only indignity he may suffer for error is reversal. In other words, it is essential to remember that judicial independence and judicial individualism are intended not for the benefit of the Judge, but for the benefit of the judged.

For the aforesaid reasons, I do not find any merit in the writ petitions and the same are, accordingly, dismissed.

sd/-

P . B . SURESH KUMAR

JUDGE

YKB

APPENDIX OF WP(C) 17654/2021

PETITIONER EXHIBITS

- Exhibit P1** TRUE COPY OF THE ORDER OF THIS HON'BLE COURT DATED 02.06.2015 IN W.A 132 OF 2013.
- Exhibit P2** TRUE COPY OF THE REVIEW PETITION NO. 912/2015 FILED BY THE STATE BEFORE THE HON'BLE COURT OF KERALA IN WA 199/2013, EXCEPT DOCUMENTS.
- Exhibit P3** TRUE COPY OF THE IN-HOUSE COMPLAINT DATED 17.11.2020 AGAINST RESPONDENT NO.5 SENT BY THE PETITIONER TO THE RESPONDENT NO.2.
- Exhibit P4** TRUE COPY OF THE IN-HOUSE COMPLAINT DATED 02.12.2020 AGAINST RESPONDENT NO.4 SENT BY THE PETITIONER TO THE RESPONDENT NO. 1 WITH A COPY TO THE RESPONDENT NO.2.
- Exhibit P5** TRUE COPY OF THE E-MAIL DATED 10 MARCH 2021 FORWARDING THE IN-HOUSE COMPLAINTS TO RESPONDENT NO.3.

APPENDIX OF WP(C) 17657/2021

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE ORDER IN CRL MP
NO.15202/2019 IN CRL OP NO.27873/2019
OF THE HIGH COURT OF MADRAS DATED
12.11.2019 RECALLING THE ORDER GRANTING
BAIL.
- Exhibit P2 TRUE COPY OF THE COMPLAINT MADE BY DE
FACTO COMPLAINANT TO THE RESPONDENT
NO.1 DATED 06.03.2020.
- Exhibit P3 TRUE COPY OF THE ORDER IN BA
NO.8399/2019 OF THIS HON'BLE COURT
DATED 29.06.2020 GRANTING BAIL TO MR.
SANDEEP MEHTA.
- Exhibit P4 TRUE COPY OF THE IN-HOUSE COMPLAINT
DATED 19.02.2021 SENT BY THE PETITIONER
TO THE RESPONDENT NO.1 WITHOUT
ANNEXURES
- Exhibit P5 TRUE COPY OF THE E MAIL DATED 4 MARCH
2021 FORWARDING THE IN-HOUSE COMPLAINT
DATED 19.02.201 TO RESPONDENT NO.2.