

ITEM NO.1708

COURT NO.9

SECTION XII-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Miscellaneous Application No.1281/2023 IN SLP [C] D NO.23406/2022

NIMMANAPALLI SURYA REDDY

Petitioner(s)

VERSUS

HONORABLE CHIEF JUSTICE

THE HIGH COURT OF TELANGANA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.37891/2023-APPEAL AGAINST LD. REGISTRARS
UNDER ORDER VIII RULE 6(3)/ 6(4)

IA No. 110706/2023 - CONDONATION OF DELAY IN FILING APPEAL AGAINST
REGISTRAR ORDER)

Date : 04-09-2023 This application was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN
[IN CHAMBER]

For Petitioner(s) Petitioner-in-person

For Respondent(s)

UPON hearing the applicant in person the Court made the following
O R D E R

The present Miscellaneous Application has been filed against the order of the Registrar (J-III) dated 6th January, 2023. There is a delay of 28 days in filing the Appeal against Registrar's Order. Though there is no explanation, considering the fact that the delay is only of 28 days, the delay is condoned.

The Registrar in his order has noted that the main Special Leave Petition is purportedly against the final order dated 28th June, 2022 passed by the

Hon'ble Chief Justice of the High Court of Telangana at Hyderabad and sent by email on 29th June, 2022; that the defect of not filing the challenged case number was pointed out to the party in person-petitioner; that particulars sought for were required to be updated in the ICMIS and hence were relevant for enabling the office to further process the matter and that the party in person had replied by a letter dated 6th August, 2022 stating that the orders on the Administrative Side are not given any number.

The Registrar further noticed that the petitioner was asked by email dated 16th September, 2022 to file a copy of the impugned judgment but the same has not been filed.

The Registrar in his order of 06.01.2023 further stated that the defect has not been cured from 16.09.2022 till 05.01.2023. He further recorded that the petitioner in person has admitted that he was assailing the order passed on the administrative side. The Registrar further records that since the mandatory fields of the Integrated Case Management Information System [ICMIS] have to be filled up, and since the petitioner in person has not complied with the said provisions despite being given an opportunity, he deemed it not appropriate to register the present case. Hence, he lodged the petition under the provisions of Order VIII, Rule 6(3) and

6(4) of the Supreme Court Rules, 2013.

Today, when the matter was called out, the party in person appeared through video conferencing. In spite of repeatedly being asked as to how the order impugned was incorrect, he has not been able to point out as to how the order was incorrect. He was also asked if he needs the assistance of any lawyer, but he expressly declined to have the services of any lawyer and insisted that he would argue the case. Nothing was pointed out as to how the order of the Registrar is incorrect or untenable.

The Special Leave Petition, purportedly impugns the final order dated 28th June, 2022 passed by the Hon'ble Chief Justice of the High Court of Telangana. It is claimed that it is against the final order dated 28th June, 2022 passed by the Hon'ble Chief Justice of the High Court of Telangana at Hyderabad as informed by the Registrar by email dated 29th June, 2022. The email of the Registrar is to the effect that the request of the petitioner dated 25th June, 2022 has been placed before the Hon'ble Chief Justice and the Hon'ble Chief Justice vide order dated 28th June, 2022 was pleased to reject the request.

In the list of dates annexed to the petition, at page B1, the following dates are set out:

17.12.2005	The Order of the Honorable Chief Justice in Writ Petition No.14167/2005 dated
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	17.12.2005 Annexure P3
19.01.2022	CJI Message/Order/Direction Annexure P6
22.06.2022	Request to the Honorable Chief Justice, High Court of Telangana to initiate action against R2 and R3 for contempt for non-compliance of orders of the Honorable Chief Justice in the open court in WP 14167/2005 dated 17 12 2005 and payment of pension. Annexure P2
25.06.2022	Implement the directions of the Honorable Chief Justice of India for online hearing and permit the petitioner to file contempt petition/other petitions online and hear online Annexure P1
26.06.2022	Nonpayment or orders of pension till today (Orders dated 26 06 2022 by the R3)
29.06.2022	Rejection Order informed by email by Registrar Judicial Annexure P5

It appears that the petitioner is wanting to assail the administrative orders passed by the Chief Justice of the High Court of Telangana at Hyderabad dated 28th June, 2022, communicated to him on 29.06.2022.

The communication of the Registrar reads as under:

"Sir,

Your request dated 25.06.2022 has been placed before HCJ and Hon'ble CJ vide order dated 28.06.2022 was pleased to reject your request."

It appears from the list of dates that the request that was rejected was to implement the directions of the Hon'ble CJI for online hearing and permit the petitioner to file contempt petition/other petition online and to hear it online.

In Dev Singh and Others vs. Registrar, Punjab and Haryana High Court and Others, (1987) 3 SCC 169,

it has been held as under:-

"25. We have considered the above decisions carefully. In our view, the principles laid down in these cases cannot help the appellants in support of the plea that the High Court while disposing of the appeal was acting as a Tribunal. The relevant provisions quoted in the earlier part of the judgment relating to the appeal in question, in our judgment, clearly establishes that the High Court acted on the administrative side in deciding the appeal.

26. There is a clear distinction between courts of law exercising judicial powers and other bodies. Decisions by courts are clearly judicial. That is not the case with bodies exercising administrative or executive powers. In certain matters even Judges have to act administratively and in so doing may have to act quasi-judicially in dealing with the matters entrusted to them. It is only where the authorities are required to act judicially either by express provisions of the statute or by necessary implication that the decisions of such an authority would amount to a quasi-judicial proceeding. When Judges in exercise of their administrative functions decide cases it cannot be said that their decisions are either judicial or quasi-judicial decisions.

27. Every decision or order by an authority which has a duty to act judicially is not subject to appeal to this Court. Article 136 contemplates appeals to this Court only from adjudications of courts and tribunals. Such adjudication must doubtless be judicial. This does not mean that every

authority which is required to act judicially, either by its constitution or by virtue of the authority conferred upon it, is necessarily a tribunal for the purpose of Article 136. A tribunal, whose adjudication is subject to appeal, must beside being under a duty to act judicially, be a body invested with the judicial power of the State."

As is clear from the above, Article 136 contemplates only special leave petition to the Court from adjudication of courts and tribunals and such adjudication must doubtless be judicial.

Since no Special Leave Petition can be filed against the administrative order, there is nothing wrong with the order of the Registrar and the order dated 6th January, 2023 passed by the Registrar is upheld.

The applicant may pursue any other remedy that may be available in law.

The Miscellaneous Application is dismissed.

Pending applications stand disposed of.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(NIDHI BHARDWAJ)
COURT MASTER (NSH)