



2024 INSC 594

Reportable

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

Suo Motu Writ (Civil) No 8 of 2024

IN RE: ORDER OF PUNJAB AND HARYANA HIGH COURT
DATED 17.07.2024 AND ANCILLARY ISSUES

J U D G M E N T

Dr Dhananjaya Y Chandrachud, CJI

- 1 The Court has taken up these proceedings *suo motu* in the context of an order dated 17 July 2024 passed by Justice Rajbir Sehrawat, Judge of the High Court of Punjab and Haryana, while entertaining a contempt proceeding titled **Naurty Ram v Devender Singh IAS and Anr¹**.
- 2 The underlying facts which gave rise to the contempt proceeding do not need to engage the attention of this Court. However, while dealing with the contempt proceedings, Justice Sehrawat has made observations in regard to the Supreme Court of India. Those observations are a matter of grave concern. Since the order forms part of the public record of the High Court, it is unnecessary for this Court to extract those observations, particularly, given the course of action which this Court proposes to adopt.

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Sanjay Kumar
Date: 2024.08.08
18:36:46 IST
Reason: [S]

- 3 The principles governing the comity between the High Courts, on one hand, and the Supreme Court as the apex judicial institution of the country, on the other, are dealt with in numerous decisions of this Court. We may only reiterate the principles which have been laid down in the decision of this Court in **Tirupati Balaji Developers (P) Ltd v State of Bihar**².
- 4 Judicial discipline in the context of the hierarchical nature of the judicial system is intended to preserve the dignity of all institutions, whether at the level of District, High Court or Supreme Court. The observations in the order of the Single Judge dated 17 July 2024 were totally unnecessary for the ultimate order which was passed. Gratuitous observations in regard to previous orders passed by the Supreme Court or for that matter in the course of the same proceedings are absolutely unwarranted. Compliance with the orders passed by the Supreme Court is not a matter of choice, but a matter of bounden constitutional obligation, bearing in mind the structure of the Indian legal system and the authority of the Supreme Court which heads the process of judicial adjudication of the country. In passing its orders, including orders of the nature that gave rise to the observations of the Single Judge, this Court discharges its plain duty. Parties may be aggrieved by an order. Judges are never aggrieved by an order which is passed by a higher constitutional or appellate forum.
- 5 The Attorney General for India and the Solicitor General, while dilating on the background of the case which led to the passing of the order dated 17 July 2024, have submitted that the order of the Single Judge has affected the dignity not only of this Court, but of the High Court as well.

2 (2004) 5 SCC 1

- 6 This Court is constrained to take *suo motu* notice of the contents of the order dated 17 July 2024 passed by the Single Judge in view of the fact that such observations tend to bring the entire judicial machinery into disrepute. This affects not only the dignity of this Court, but of the High Courts as well. We are accordingly of the view that such observations were wholly unnecessary for the conduct of the judicial proceedings before the High Court and ought to have been eschewed. Though there is a merit in the submission which has been urged by the Attorney General and the Solicitor General, we are inclined to exercise a degree of restraint in pursuing a further course of action based on the observations of the Single Judge.
- 7 The Court is apprised of the fact that the Division Bench of the High Court presided over by the Chief Justice has taken *suo motu* notice³ of the observations made by the Single Judge and stayed the operation of the order of the Single Judge.
- 8 Notwithstanding the aforesaid exercise which has been carried out *bona fide* by the Bench presided over by the Chief Justice, we are of the view that in a situation where the authority of this Court is undermined by gratuitous observations made by the Single Judge, it is the plain function of this Court to set right any attempt to dislocate the sanctity of judicial authority and maintenance of judicial discipline. We accordingly expunge the observations which have been made by Justice Rajbir Sehrawat in the order dated 17 July 2024 and expect that greater caution should be exercised in the future while dealing with orders of the Supreme Court and, for that matter, the orders passed by the Division Bench of the High Court. Whether individual judges are in agreement with the merits or otherwise of an order passed by a superior court is besides the point. Every

Judge is bound by the discipline which the hierarchical nature of the judicial system imposes within the system. No Judge is personally affected by the orders passed either by the Division Bench of the High Court or, as the case may be, by the Supreme Court.

- 9 The order dated 17 July 2024 is compounded by a video which has been circulating indicating random, gratuitous and unwarranted remarks made by Justice Rajbir Sehrawat during the course of the hearing. In an age where there is widespread reporting of every proceeding which takes place in the Court, particularly in the context of live streaming which is intended to provide access to justice to citizens, it is all the more necessary that Judges should exercise due restraint and responsibility in the observations which are made in the course of proceedings. Observations of the nature which have proliferated in the video of the proceedings of the Single Judge can cause incalculable harm to the sanctity of the judicial process. We hope and trust that circumspection shall be exercised in the future.
- 10 We are not inclined to issue notice to the Single Judge of the High Court whose observations form the subject matter of the order dated 17 July 2024. Doing so would place the Judge in a situation of being subject to a judicial adjudication or inquiry by this Court, which we are inclined to desist from doing, at this stage. However, this Court in the exercise of its affirmative obligations as the custodian of the adjudicatory process would be failing in its duty if it were not to intervene by expunging the remarks which were made in the order dated 17 July 2024. The observations in the order dated 17 July 2024 are accordingly expunged with an expression of caution. We hope that it would not be necessary for this Court to intervene any such matter in the future either in relation to the same Judge or

any other Judge in the country.

10 The present proceedings are accordingly disposed of.

.....CJI.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Sanjiv Khanna]

.....J.
[B R Gavai]

.....J.
[Surya Kant]

.....J.
[Hrishikesh Roy]

New Delhi;
August 07, 2024
-S-

ITEM NO.301

COURT NO.1

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Suo Motu Writ (C) No(s). 8/2024

IN RE: ORDER OF PUNJAB AND HARYANA HIGH COURT
DATED 17.07.2024 AND ANCILLARY ISSUES

[FOR ADMISSION]

Date : 07-08-2024 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s)

By Courts Motion

For Respondent(s)

Mr. R. Venkataramani, Attorney General
Mr. Tushar Mehta, SG
Mr. Kanu Agrawal, Adv.

Mr. Lokesh Sinhal, Sr AAG Haryana

UPON hearing the counsel the Court made the following
O R D E R

The proceedings are disposed of in terms of the reportable judgment.

(SANJAY KUMAR-I)
ADDITIONAL REGISTRAR

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR

(Signed reportable judgment is placed on the file)