

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

SWP No. 865/2019

Syed Meirajul Yasin

...Appellant(s)/Petitioner(s)

Through: Ms. Uzma Amin, Adv. vice
Mr. Bilal Ahmad Malla, Advocate

Vs.

Union of India and others

...Respondent(s)

Through: Mr. Nazir Ahmad, Advocate

CORAM:

HON'BLE MR. JUSTICE ATUL SREEDHARAN, JUDGE

HON'BLE MR. JUSTICE MOHAMMAD YOUSUF WANI, JUDGE

ORDER

03.09.2024

1. Learned counsel for the respondents prays for four weeks' time to file reply. Time as prayed for is granted.
2. List on 01.10.2024.
3. It has been brought notice of this Court that an item published by the "The Hindu" in the social media platform and also its newspapers captioned "NIA, Habeas Corpus cases shifted from Justice Atul Sreedharan-J headed by the Double Bench in J&K; Judge goes on leave",.
4. In the said social media post and the newspaper, it is alleged that the rosters of NIA, Habeas Corpus cases were shifted midway from the Bench headed one of us (Atul Sreedharan-J) to a new Division Bench in Srinagar. The entire article in the social media post and as reported in the newspaper has also been placed before us. Inter alia, the post also mentions "Justice Atul Sreedharan-J went on a leave of absence on Monday (2nd September, 2024), apparently in the backdrop of the unprecedented change in the roster".
5. From the material that has been placed before us by the worthy Registrar General, it appears that the roster was issued by Hon'ble the Chief Justice (Acting) for the period commencing from 1st July, 2024 to 28th September, 2024 vide notification dated 28.06.2024 bearing no. 23629-80/RG, wherein inter alia, the Division Bench (DB-I) in the Srinagar Wing of the High Court headed by the Hon'ble the Chief Justice (Acting), was assigned matters which included all LPAs in

Habeas Corpus petitions of both wings and DB-II was headed by one of us (Atul Sreedharan-J) for the period commencing from 29th July, 2024 to 28th September, 2024. The Registrar General's note further disclosed that Hon'ble the Chief Justice has from time to time constituted special Benches for prioritizing olds cases, detention and liberty matters and in this regard, vide order dated 14.08.2024, the roster was also modified as per previous practice, whereby inter alia, the subject matters relating to NIA cases for Admission, Orders and Hearing and all Habeas Corpus petitions for Admission, Orders and Hearing were retained by Hon'ble The Chief Justice (Acting) and by virtue of same order, matters which were earlier kept for determination by the Bench headed by Hon'ble The Chief Justice (Acting) have been assigned to a DB presided by one of us (Atul Sreedharan-J), thus certain matters which were earlier kept by the DB-I for determination have been reassigned to DB-II.

6. Roster dated 14.08.2024 was further modified vide order dated 22.08.2024 and 23.08.2024 respectively, insofar as NIA and Habeas Corpus matters are concerned. However, vide order dated 30.08.2024, Hon'ble the Chief Justice (Acting) constituted a Special Bench comprising of Hon'ble Mr. Justice Rajnesh Oswal, and Hon'ble Mr. Justice Mohd Akram Chowdhary, in Srinagar Wing of the High Court during the second half of 05.09.2024, for hearing the cases, which included all NIA matters (after notice) for Admission, Orders and Hearing and all Habeas Corpus Petitions (after notice) for Admission, Orders and Hearing.
7. It is relevant to mention here that before constitution of the Special Bench vide order dated 30.08.2024, the subject matters were being hearing by the DB-I headed by Hon'ble the Chief Justice (Acting) and at the same time, it is clarified that at no point of time, NIA petitions were heard by any Special Bench and for the first time in order to expedite these matters, the NIA matters were considered as separate as same being a matter of liberty and concern for the security of the Country and in view of the sensitivity involved in these matters,, the NIA matters were treated as separate subject matter so that these matters be dealt speedily and expeditiously.

8. Thus, the factual aspect given in the social media and the newspaper, whereby it was alleged that the roster was shifted in midway from the Bench headed by one of us (Atul Sreedharan-J) was false, malicious and contemptuous as same amounts to interference in the administration of justice.
9. The Court is also disturbed by the incorrect factual aspect given in the social media post and also in the newspaper that one of us (Atul Sreedharan-J) had gone on leave on account of the change in roster which is patently untrue as the said Judge had taken a causal leave on 02.09.2024 on account of medical reasons. This misrepresentation, thus, not only misleads the public but also damages trust in the Judiciary. The reasons given in the social media post as to why one of us (Atul Sreedharan-J) had gone on leave gives an impression that the said Judge went on a protest leave against a change in roster. This also given an impression that the said Judge is interested in getting certain cases of a particular type listed before him and decided. Such is a wrong and probable inference which flows from the article in the social media and also as published in the newspaper of "The Hindu".
10. Under the circumstances, this Court is of the opinion that the worthy Registrar Judicial be pleased to place this matter before Hon'ble the Chief Justice (Acting) to consider whether this matter should be placed before an appropriate Bench for initiation of criminal contempt against the publishers. It is also requested that the Bench may not have one of us (Atul Sreedharan-J) as part of the controversy relates to him.

(MOHAMMAD YOUSUF WANI)
JUDGE

(ATUL SREEDHARAN)
JUDGE

SRINAGAR
03.09.2024
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