

In exercise of the power conferred by Sections 122 and 129 of the Code of Civil Procedure, 1908 and Section 7 of the Delhi High Court Act, 1966 (Act 26 of 1966) and all other powers enabling it in this behalf, the High Court of Delhi, hereby makes the following amendments in the High Court Rules & Orders, Volume V :-

In part II (Civil), Chapter 4-F (b), High Court Rules & Orders, Volume-V, relating to issue of writs after Rule 1, the following Rules shall be added, namely :-

“1-A. If the respondent in a Civil Writ Petition is either the Union of India, National Capital Territory of Delhi, Lt. Governor, Delhi Development Authority, Municipal Corporation of Delhi, New Delhi Municipal Council, Delhi Electric Supply Undertaking, Delhi Transport Corporation, Nationalized Bank, Public Sector Undertaking, Government Company, Insurance Company or any other statutory or public authority then the petition and paper books, with one extra copy, shall be delivered in advance to the nominated counsel (within the meaning of Rule 1-B) and acknowledgment obtained by the writ-petitioner. The acknowledgment above-mentioned shall be deemed to be sufficient service in the Civil Writ Petition on the said Department/Authority above-mentioned. A letter will also be served on the nominated counsel that the matter will be coming up for admission in the next few days. It will be for the party/counsel of that Department/Authority above-mentioned to take note of the case in the cause list and be present when the matter or a C.M. therein comes up for admission/hearing. Or else, the Court may set the said respondent ex-parte and pass orders.”

“1-B. The Government and the authorities referred to in Rule 1-A shall nominate a counsel authorised to accept and acknowledge delivery of petition, paper books in the writ petitions filed or likely to be filed against it. A list of such nominated counsel shall be maintained in the Registry and shall also be given to the Bar Association.”

In the aforesaid Part-II (Civil), of the High Court Rules & Orders, Volume V, for Rule 2, the following shall be substituted, namely :-

“2. The petition shall be posted before the Court for preliminary hearing and orders. Upon the hearing, the Court if satisfied that no case has been made out for its interference may dismiss the petition and if not so satisfied shall direct a rule nisi to be issued to the respondent calling upon him to show cause why the order sought should not be made, and shall adjourn the hearing for the respondent to appear and be heard.”

In part 3-B of the High Court Rules & Orders, Volume V, pertaining to jurisdiction of Single Judge and Benches of the Court, for clause (a) of sub-rule (xviii) of Rule 1, the following shall be substituted, namely :-

“(xviii) (a) Application or petition under Article 226 of the Constitution of India for the issue of any directions, orders or writs in the nature of mandamus, prohibition, quo warranto or certiorari or for the enforcement of the fundamental rights conferred by Part III of the Constitution of India or for any other purpose, except :-

- (i) Petitions where vires of Acts are challenged;
- (ii) Petitions where personal liberty is involved;
- (iii) Petitions pertaining to all Revenue/tax matters including entertainment taxes, except Municipal Tax;
- (iv) Petitions arising from the orders of the Board for Industrial and Financial Reconstruction/ Appellate Authority for Industrial and Financial Reconstruction or seeking directions to them; and
- (v) Petitions pertaining to Public Interest Litigation.

[Explanation – The preliminary hearing for the admission of applications and petitions pertaining to matters mentioned in clause (i) to (v) of clause (xviii)(a) above shall however be before a Bench of two Judges and before a Single Bench when there is no sitting of Division Bench.”

These amendments shall come into force with effect from the first of January, 1996.

By Order of the Court
M.A. KHAN, Registrar