2025 INSC 1460

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 914 OF 2025

RANJEET BABURAO NIMBALKAR ….PETITIONER(S)

VERSUS

STATE OF MAHARASHTRA & ANR. ….RESPONDENT(S)

J U D G M E N T

ARAVIND KUMAR, J.

I. INTRODUCTION

1. The present writ petition under Article 32 of the Constitution assails an administrative notification issued by the High Court of Judicature at Bombay appointing Kolhapur as a place at which the Judges and Division Courts of the said High Court may sit. The impugned notification, bearing No. P.0108/2025 dated 01.08.2025, has been issued on the administrative side of the High Court in exercise of the power conferred by Section 51(3) of the States Reorganisation Act, 1956, with the approval of the Governor of the State of Maharashtra. It is the case of the respondents, as borne out from the material placed on record, that the said arrangement was made operational with effect from 18.08.2025.

2. The High Court of Judicature at Bombay, established in 1862, has historically exercised jurisdiction over an extensive and geographically diverse region. Following the States Reorganisation Act, 1956 and the reorganisation of States in 1960, the statute provided a framework enabling

High Courts to hold sittings away from the principal seat where considerations of convenience and effective administration so warranted. In that backdrop, the Bench at Nagpur continued as a permanent Bench upon the formation of the State of Maharashtra. Thereafter, by notification dated 27.08.1981, the Chief Justice of the Bombay High Court appointed Aurangabad as an additional place of sitting under Section 51(3), which arrangement was later converted into a permanent Bench by a Presidential Order under Section 51(2) with effect from 27.08.1984. A permanent Bench at Panaji was also established in 1981 following the extension of the High Court's jurisdiction to the State of Goa. These arrangements demonstrate that the statutory scheme has, in the past, been utilised to respond to distance, volume of litigation, and the demands of access to justice.

3. Prior to its merger with the then Province of Bombay in 01.03.1949, Kolhapur is stated to have functioned as the seat of the High Court and the Supreme Court of the former Kolhapur State. After integration, the districts forming the southern and south-western region of the present State of Maharashtra came within the jurisdiction of the Bombay High Court. Over the decades, representations were made by the Bar and litigant bodies from Kolhapur, Sangli, Satara, Ratnagiri and Sindhudurg seeking a High Court sitting in this region, pointing to distance from the principal seat and the absence of a proximate forum for adjudication of disputes to be resolved by High Court, despite a steady inflow of cases from these districts.

4. The record placed before this Court indicates that, after administrative consideration on feasibility and availability of infrastructure, a proposal was formulated by the High Court for appointing Kolhapur as an additional place of sitting. The proposal contemplated that cases arising from the districts of Kolhapur, Sangli, Satara, Ratnagiri and Sindhudurg would be assigned to the Kolhapur sitting in accordance with administrative directions of the Chief Justice. It is the case of the respondents that the proposal received the

approval of the Governor of Maharashtra on 30.07.2025, following which Notification No. P.0108/2025 dated 01.08.2025 was issued. The present writ petition questions the legality and constitutional validity of this administrative decision and prays for quashing of the notification and for a restraint on the High Court from holding sittings at Kolhapur.

II. SUBMISSIONS ON BEHALF OF THE PETITIONER

5. Learned Senior counsel, Shri Balbir Singh, appearing for the petitioner has assailed the impugned notification and has sought to demonstrate that the decision to designate Kolhapur as an additional place of sitting of the Bombay High Court suffers from fundamental legal infirmities. The principal submission advanced is that Section 51(3) of the States Reorganisation Act, 1956 was never intended to be utilised as a vehicle for establishing what is, in effect, a permanent additional Bench of a High Court. According to the petitioner, Parliament has consciously drawn a distinction between sub-section (2) and sub-section (3) of Section 51. While sub-section (2) contemplates the establishment of permanent Benches through a Presidential order after due consultation with constitutional authorities, sub-section (3) is urged to be a limited provision meant to address temporary or exceptional exigencies. The petitioner contends that the use of Section 51(3) to create an enduring institutional arrangement amounts to doing indirectly what the statute requires to be done directly under sub-section (2), thereby defeating the legislative intent.

6. The learned Senior counsel further contended that the decision-making process is vitiated by lack of adequate consultation. The Senior counsel submits that the establishment of an additional place of sitting of a High Court has long-term institutional consequences and therefore cannot be reduced to a unilateral administrative act of the Chief Justice. Emphasis is

placed on the absence of Full Court deliberation, and it is urged that the consultative role of judges, recognised in judicial precedents, has been ignored. Reliance is placed on ***Federation of Bar Associations in Karnataka v. Union of India***[1], to contend that consultation is not merely a matter of prudence but an institutional necessity.

7. The Learned Senior counsel for the petitioner further draws our attention to the administrative history of similar proposals in the State of Maharashtra. It is submitted that proposals for establishing additional Benches were considered and rejected by committees of judges in the past, notably in the years 1996, 1997, 2006 and 2018, and that these views were accepted by the Full Court. According to the learned counsel, in the absence of any demonstrated change in the circumstances or reconsideration by the Full Court, the abrupt reversal of position in 2025 renders the decision arbitrary and unexplained.

8. The learned Senior Counsel on the aspect of Article 14 submits that the selection of Kolhapur, to the exclusion of other regions such as Pune or Solapur which have also articulated demands for High Court sittings, amounts to discriminatory treatment without a rational basis. It is argued that no comparative study or objective criteria have been disclosed, giving rise to a legitimate apprehension that the decision is driven by local pressures rather than neutral considerations.

9. Further invoking Article 21, the Senior Counsel petitioner argues that judicial resources are finite and that the establishment of an additional High Court sitting diverts judges and infrastructure away from the already overburdened District judiciary. It is contended that access to justice is not advanced merely by proximity to a High Court, and that strengthening trial courts would better serve the constitutional mandate.

---

[1] **(2000) 6 SCC 715**

10. Finally, the Learned Senior counsel places reliance on developments in the State of Karnataka, particularly the process preceding the establishment of Benches at Dharwad and Kalaburagi, where committees were constituted, data was gathered, and extensive consultations were undertaken. The petitioner submits that the absence of a similarly elaborate and transparent process in the present case renders the impugned decision procedurally deficient.

III. SUBMISSIONS ON BEHALF OF THE RESPONDENTS

11. Learned Solicitor General of India, Shri Tushar Mehta, along with Advocate – on – record, Shri Sandeep Deshmukh, appearing for the second respondent, namely the High Court administration and Learned Counsel Shri Shrirang Varma for the State of Maharashtra, have vehemently defended the impugned notification and have urged that the challenge proceeds on a fundamental misunderstanding of the statutory and constitutional framework.

12. Learned Solicitor General further submitted that Section 51(3) of the States Reorganisation Act, 1956 is an independent and continuing source of power, deliberately vested by Parliament in the Chief Justice of the High Court to appoint additional places of sitting for the more convenient transaction of judicial business. Reliance is placed on the authoritative pronouncement of this Court in ***State of Maharashtra v. Narayan Shamrao Puranik***[2], which upheld the establishment of the Aurangabad Bench under the very same provision.

13. Learned Solicitor General emphasised that the Chief Justice occupies a unique constitutional position as the head of the High Court and the custodian of its administration. Decisions relating to sittings of the Court fall

---

[2] **(1982) 3 SCC 519**

squarely within this administrative domain. Citing ***Federation of Bar Associations in Karnataka*** **and** ***State of Rajasthan v. Prakash Chand***[3], it is submitted that the Chief Justice's opinion is, in law, the opinion of the High Court, and that courts must be slow to interfere with such decisions absent mala fides or statutory violation.

14. As regards consultation, the Learned Solicitor General submitted that Section 51(3) expressly requires only the approval of the Governor and does not mandate any particular form of internal consultation or Full Court approval. While internal deliberation is a matter of sound institutional practice, its absence, even if assumed, cannot vitiate the exercise of a statutory power. Learned Solicitor General submitted that, in fact, the decision was preceded by representations, administrative consideration, committee deliberation, and verification of feasibility, as borne out by the record.

15. Learned Solicitor General also contended that past administrative views do not create an estoppel. Administrative and policy decisions are necessarily contextual and may be revisited in the light of changed circumstances, accumulated demand, and improved infrastructure. The delay in acceding to the demand for an additional sitting, far from suggesting arbitrariness, demonstrates institutional caution.

16. On the constitutional challenge under Article 14, Learned Solicitor General submitted that the establishment of an additional place of sitting of a High Court is not a matter of conferring any benefit or favour. Article 14 does not compel the State or the High Court to address all regional demands simultaneously. So long as there exists a rational basis for the choice of location, the decision cannot be invalidated merely because another location could also have been chosen.

---

[3] **(1998) 1 SCC 1**

17. With regard to Article 21, the Learned Solicitor General submitted that access to justice encompasses physical accessibility and that decentralisation of High Court sittings furthers, rather than frustrates, this constitutional guarantee. Questions of resource allocation, it is urged, lie in the realm of policy and are beyond the scope of judicial review.

IV. ANALYSIS

18. We have given our anxious consideration to the rival submissions advanced before us. At the threshold, it must be noted that, on a plain reading of the pleadings, this writ petition could well have been dismissed *in limine*, as it does not disclose any clear infringement of a fundamental right warranting interference under Article 32 of the Constitution. Even assuming the petition is framed as one under Articles 14 and 21, the challenge is essentially to an administrative arrangement within statutory bounds, and does not disclose any enforceable fundamental right to prevent an additional place of sitting. However, having regard to the nature of the issues raised, which touch upon the scope of Section 51(3) of the States Reorganisation Act, 1956 and the broader contours of judicial administration, we have considered it appropriate to examine the challenge on merits and to record our reasons in some detail, so that the position in law stands clarified and future controversy on the subject is set at rest. Before we proceed to analyse the rival contentions, it would therefore be appropriate to indicate the broad heads under which the issues arising in the present writ petition fall for consideration and under which we propose to deal with them. The heads that we propose to examine the controversy before us are:

I. CONSTRUCTION AND SCOPE OF SECTION 51(3) OF THE STATES REORGANISATION ACT, 1956

II. **ADMINISTRATIVE AUTHORITY OF THE CHIEF JUSTICE AND THE QUESTION OF CONSULTATION**

III. **EFFECT OF PAST ADMINISTRATIVE DECISIONS AND SUBSEQUENT CHANGE IN APPROACH**

IV. **LIMITS OF JUDICIAL REVIEW IN MATTERS OF JUDICIAL ADMINISTRATION**

V. **CHALLENGE UNDER ARTICLES 14 AND 21: ARBITRARINESS AND ACCESS TO JUSTICE**

RE: ISSUE I - CONSTRUCTION AND SCOPE OF SECTION 51(3) OF THE STATES REORGANISATION ACT, 1956

19. The controversy before us turns fundamentally on the true construction of Section 51 of the States Reorganisation Act, 1956, and, more particularly, on the nature and amplitude of the power conferred upon the Chief Justice under sub-section (3) thereof. Any meaningful adjudication of the petitioner's challenge must therefore commence with a careful examination of the statutory scheme, read not in isolation, but in the context of the object sought to be achieved by Parliament while reorganising States and restructuring High Courts.

20. The States Reorganisation Act, 1956 was enacted in exercise of the constituent power of Parliament under Articles 3 and 4 of the Constitution. It was not a temporary or transitory enactment designed merely to facilitate the immediate aftermath of reorganisation, but a permanent legislative framework intended to govern the institutional functioning of High Courts in newly constituted States over time. The provisions of Part V of the Act, dealing with High Courts, were crafted with a clear appreciation of the fact that judicial administration is a dynamic process, responsive to demographic shifts, regional needs and evolving patterns of litigation. Section 51

embodies this legislative design. For context, we have reproduced Section 51 of the States Reorganisation Act, 1956 below:

> ***"Section 51. Principal seat and other places of sitting of High Courts for new States.***
>
> *(1) The principal seat of the High Court for a new State shall be at such place as the President may, by notified order, appoint.*
>
> *(2) The President may, after consultation with the Governor of a new State and the Chief Justice of the High Court for that State, by notified order, provide for the establishment of a permanent bench or benches of that High Court at one or more places within the State other than the principal seat of the High Court and for any matters connected therewith.*
>
> *(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Judges and division courts of the High Court for a new State may also sit at such other place or places in that State as the Chief Justice may, with the approval of the Governor, appoint*."

21. Sub-section (1) of Section 51 of the Act empowers the President to appoint the principal seat of the High Court for a new State. Sub-section (2) contemplates the establishment of permanent Benches by Presidential order after consultation with constitutional authorities, a process that necessarily entails a formal allocation of territorial jurisdiction. Sub-section (3), however, stands on a distinct footing. It opens with a non obstante clause and authorises the Chief Justice, with the approval of the Governor, to appoint *"such other place or places"* at which the Judges and Division Courts of the High Court may also sit.

22. The presence of the non obstante clause is not accidental. It reflects a conscious legislative choice to preserve, in the Chief Justice, a residuary and overriding authority to organise the sittings of the High Court in a manner that best subserves the *"more convenient transaction of judicial business"*. Parliament evidently recognised that the needs of access to justice may arise incrementally and unpredictably, and that the judicial institution must

possess the flexibility to respond without being encumbered by rigid procedural formalities.

23. It would therefore be inconsistent with the text and purpose of Section 51(3) to read into it any temporary limitation or to construe it as a provision meant only for exceptional or short-term exigencies. The statute does not speak in such restricted terms. On the contrary, read with Section 14 of the General Clauses Act, 1897, which embodies the principle that a statutory power may be exercised from time to time unless a contrary intention appears, Section 51(3) clearly admits of repeated and continuing exercise as circumstances so demand. This interpretation is not res integra. In ***State of Maharashtra v. Narayan Shamrao Puranik***[4], this Court was confronted with a challenge strikingly similar to the one before us, arising out of the establishment of the Aurangabad Bench of the Bombay High Court under Section 51(3). Repelling the argument that Section 51 was a spent provision or that the power under sub-section (3) had exhausted itself, the Court held in clear terms that the Act of 1956 is a permanent statute and that the powers conferred by it are capable of being exercised as and when the exigencies of judicial administration so require. Since the ratio of that decision rests substantially on the reasoning contained in paragraph 25 of the judgment, we consider it proper to reproduce the same in extenso:

> *"25. It is clear upon the terms of Section 51 of the Act that undoubtedly the President has the power under sub-section (1) to appoint the principal seat of the High Court for a new State. Likewise, the power of the President under sub-section (2) thereof, "after consultation with the Governor of a new State and the Chief Justice of the High Court for that State, pertains to the establishment of a permanent Bench or Benches of that High Court of a new State at one or more places within the State other than the place where the principal seat of the High Court is located and for any matters connected therewith" clearly confer power on the President to define the territorial jurisdiction of the permanent Bench in relation to the principal seat as also for the conferment of exclusive*

[4] **(1982) 3 SCC 519**

> *jurisdiction to such permanent Bench to hear cases arising in districts falling within its jurisdiction. The creation of a permanent Bench under sub-section (2) of Section 51 of the Act must therefore bring about a territorial bifurcation of the High Court. Under sub-section (1) and sub-section (2) of Section 51 of the Act the President has to act on the advice of the Council of Ministers as ordained by Article 74(1) of the Constitution. In both the matters the decision lies with the Central Government. In contrast, the power of the Chief Justice to appoint under sub-section (3) of Section 51 of the Act the sittings of the Judges and Division Courts of the High Court for a new State at places other than the place of the principal seat or the permanent Bench is in the unquestioned domain of the Chief Justice, the only condition being that he must act with the approval of the Governor. It is basically an internal matter pertaining to the High Court. He has full-power, authority and jurisdiction in the matter of allocation of business of the High Court which flows not only from the provision contained in sub-section (3) of Section 51 of the Act but inheres in him in the very nature of things. The opinion of the Chief Justice to appoint the seat of the High Court for a new State at a place other than the principal seat under sub-section (3) of Section 51 of the Act must therefore normally prevail because it is for the more convenient transaction of judicial business. The non obstante clause contained in sub-section (3) of Section 51 gives an overriding effect to the power of the Chief Justice. There is no territorial bifurcation of the High Court merely because the Chief Justice directs under sub-section (3) of Section 51 of the Act that the Judges and Division Courts shall also sit at such other places as he may, with the approval of the Governor, appoint. It must accordingly be held that there was no territorial bifurcation of the Bombay High Court merely because the Chief Justice by the impugned notification issued under sub-section (3) of Section 51 of the Act directed that the Judges and Division Courts shall also sit at Aurangabad. The Judges and Division Courts at Aurangabad are part of the same High Court as those at the principal seat at Bombay and they exercise jurisdiction as Judges of the High Court of Bombay at Aurangabad. The Chief Justice acted within the scope of his powers. We see no substance in the charge that the impugned notification issued by the Chief Justice under sub-section (3) of Section 51 of the Act was a colourable exercise of power."*

24. More importantly, ***Puranik*** (supra) undertook a careful doctrinal distinction between the powers under sub-sections (2) and (3) of Section 51. The Court explained that the establishment of a permanent Bench under sub-section (2) necessarily brings about a territorial bifurcation of the High Court, accompanied by a formal conferment of exclusive jurisdiction. By contrast,

an appointment under sub-section (3) does not effect any such bifurcation. Judges sitting at an additional place under Section 51(3) continue to function as Judges of the same High Court, exercising its jurisdiction as allocated by the Chief Justice.

25. The significance of this distinction lies in understanding the true character of the petitioner's grievance. The longevity or continuity of a place of sitting appointed under Section 51(3) does not, by itself, convert the exercise of power into one under Section 51(2). Permanence, in the sense urged by the petitioner, is not a statutory criterion under sub-section (3). What is determinative is not the duration of the sitting, but the absence of territorial bifurcation and the retention of administrative control with the Chief Justice.

26. This Court in ***Puranik*** was categorical in rejecting the allegation that the exercise of power under Section 51(3) amounted to a colourable device to circumvent the procedure prescribed under sub-section (2). The Court emphasised that the Chief Justice's decision to appoint Aurangabad as a place of sitting was an internal matter pertaining to the High Court, taken for the convenience of litigants and the efficient transaction of judicial business. That reasoning applies with equal force to the present case.

27. Once it is accepted, as it must be, that Section 51(3) confers an independent and continuing power on the Chief Justice, the petitioner's argument of indirect permanence loses much of its force. Courts cannot import into the statute a limitation which the legislature has consciously chosen not to enact. To do so would be to substitute judicial apprehension for legislative judgment, a course impermissible in constitutional adjudication.

28. It becomes necessary, at this stage, to advert to the role of the Union Government within the statutory framework of Section 51 of the States Reorganisation Act, 1956. The petitioner's challenge appears to be that the decision to designate Kolhapur as an additional place of sitting of the High

Court ought to have engaged the Central Government in a more direct or determinative manner. Such an assumption, however, does not accord with the scheme of the statute. Section 51 itself draws a clear and deliberate distinction between different categories of decisions concerning the location and sittings of High Courts. Where Parliament contemplated the establishment of a permanent Bench involving territorial bifurcation and enduring structural consequences, it expressly vested the power in the President under sub-section (2), to be exercised after consultation with the Governor and the Chief Justice, thereby ensuring Central Government participation. In contradistinction, sub-section (3) consciously excludes any role for the Union executive and vests the power in the Chief Justice of the High Court, subject only to the approval of the Governor. This differentiation is deliberate. It reflects a legislative judgment that matters relating to internal judicial administration and the convenient transaction of judicial business, which do not alter the constitutional identity or territorial structure of the High Court, should be entrusted to judicial leadership at the State level and insulated from unnecessary executive involvement. Once Parliament has thus demarcated the field, it is not open to the Court, under the guise of interpretation, to reintroduce Central Government participation where the statute has deliberately chosen not to provide for it.

29. An argument may nonetheless be advanced that recognising the Chief Justice's authority under Section 51(3) would render sub-sections (1) and (2) redundant.. Such an apprehension, though understandable at first blush, rests upon a misapprehension of the legislative architecture. Section 51 does not create overlapping or competing reservoirs of power; rather, it embodies a graded and carefully calibrated distribution of authority, each sub-section operating in its own sphere and addressing a distinct institutional requirement. Sub-section (1) performs a constitutional function by fixing the principal seat of the High Court, a determination that bears upon the very

identity of the Court and therefore lies within the exclusive domain of the Union Government acting through the President. Sub-section (2) operates at a structural level, enabling the establishment of permanent Benches with defined territorial jurisdiction, a step that entails enduring reconfiguration of judicial geography and necessarily warrants involvement of Central Government after consultation of constitutional authorities. These provisions remain vital and continue to govern decisions of foundational and structural significance.

30. Sub-section (3), by contrast, operates in a different sphere. It is designed to confer functional and administrative flexibility upon the High Court, acting through its Chief Justice, to organise the sittings of Judges for the more convenient transaction of judicial business, without effecting any territorial bifurcation or altering the constitutional character of the Court. The power under Section 51(3) neither supplants nor dilutes the roles envisaged under sub-sections (1) and (2); it complements them by addressing a separate category of decisions rooted in considerations of access, convenience and institutional responsiveness. Even where a place of sitting appointed under sub-section (3) continues over a long period, it does not, by that fact alone, acquire the attributes of a permanent Bench under sub-section (2), for it remains subject to administrative control, does not confer exclusive territorial jurisdiction, and does not alter the High Court's jurisdictional identity. Read as a whole, Section 51 represents a coherent statutory scheme in which constitutional authority, structural oversight and administrative discretion are deliberately distributed across different constitutional actors. The recognition of the Chief Justice's power under Section 51(3) thus preserves, rather than undermines, the relevance and purpose of sub-sections (1) and (2).

RE: ISSUE II - ADMINISTRATIVE AUTHORITY OF THE CHIEF JUSTICE AND THE QUESTION OF CONSULTATION

31. Having considered the statutory source of the power under Section 51(3), it becomes necessary to state that power within the broader constitutional framework governing the administration of High Courts. The statute vests the authority to appoint additional places of sitting with the Chief Justice not by accident, but by design. The Chief Justice is the head of the High Court, entrusted not merely with adjudicatory functions, but with the responsibility of ensuring that the institution functions efficiently, coherently and in a manner that best serves the ends of justice.

32. The administration of a High Court is an essential part of its constitutional functioning. Decisions concerning where the Court sits, how work is distributed, and how litigants access the Court are not merely matters of convenience, but matters of institutional responsibility. Such decisions can only be taken by one who is closely acquainted with the Court's docket, the nature and volume of litigation, the strength of the Bar, and the practical difficulties faced by litigants across regions. It is for this reason that Parliament has entrusted this authority to the Chief Justice of the High Court, who, as the head of the institution, bears responsibility both for preserving judicial independence and for ensuring the effective administration of justice. This understanding finds consistent affirmation in the jurisprudence of this Court. In ***Federation of Bar Associations in Karnataka v. Union of India***[5], the Court underscored that the Chief Justice is the "important consultee" in matters relating to the establishment of Benches, and when he expresses an opinion, it is not his personal view but the institutional opinion of the High Court. The Court cautioned against dissecting a High Court on

[5] **(2000) 6 SCC 715**

emotional, sentimental or parochial considerations, and emphasised that no Bench should be established contrary to the opinion of the Chief Justice.

33. A similar view has been taken by the Madras High Court in ***R. Suresh Kumar v. Union of India***[6], which arose in the context of the establishment of the Madurai Bench of the Madras High Court. The challenge before the Court was that the High Court could not sit at a place other than its principal seat without a fresh constitutional or legislative mandate. The Madras High Court rejected this contention, holding that Section 51 of the States Reorganisation Act, 1956 provides a complete statutory framework for High Courts to function at places other than their principal seat. The Court observed that such arrangements do not fragment the High Court or dilute its jurisdiction, but are intended to reduce hardship to litigants and facilitate the administration of justice. It was emphasised that access to justice is a relevant consideration in organising the sittings of the Court. It is also relevant to note that the Special Leave Petition filed against the said judgment was dismissed by this Court. While such dismissal does not amount to a declaration of law under Article 141 of the Constitution, it lends finality to the judgment and adds weight to the view that Section 51 validly enables High Courts to sit at additional places in appropriate cases.

34. This Court has consistently recognised that the internal administration of a High Court must be guided by a single point of authority. Subjecting such decisions to multiple or parallel influences would inevitably lead to uncertainty and inefficiency. The Chief Justice's primacy in administrative matters is thus a function of his position as the head of the High Court and the responsibility is entrusted to him under the constitutional and statutory scheme.

---

[6] 2004 SCC OnLine Mad 212

35. It is in this context that the petitioner's argument regarding lack of consultation must be examined. There can be no quarrel with the proposition that consultation within the High Court is a matter of sound institutional practice. Indeed, it is only natural that a Chief Justice, while exercising administrative powers of this nature, would take into account the views of his puisne judges, the needs of the Bar, and the logistical realities of the institution. Such deliberation enriches decision-making and reflects collective wisdom. However, the crucial distinction that must be borne in mind is between what is desirable as a matter of prudence and what is mandated as a matter of law. Section 51(3) expressly requires only the approval of the Governor. It does not stipulate consultation with the Full Court, nor does it prescribe any particular consultative mechanism. Where Parliament has intended consultation to be mandatory, as in Section 51(2), it has said so in explicit terms. The deliberate absence of such a requirement in sub-section (3) cannot be supplied by judicial interpretation. To judicially impose a requirement of Full Court approval or to insist upon a particular form of internal consultation would be to transgress the limits of interpretation and to trench upon legislative prerogative. Courts must be cautious not to elevate norms of good governance into inflexible legal commands, lest the flexibility essential to effective judicial administration be unduly constrained.

36. This Court has, in other contexts as well, drawn a clear distinction between consultation as a constitutional or statutory mandate and consultation as an administrative convention. In ***State of Rajasthan v. Prakash Chand***[7], it was reiterated that the Chief Justice is the master of the roster and that the allocation of judicial work is an exclusive prerogative of the Chief Justice. That principle extends, in substance, to decisions concerning the sittings of

---

[7] (1998) 1 SCC 1

the Court, which are intimately connected with the distribution and management of judicial work.

37. In the present case, there is no material to suggest that the Chief Justice acted unilaterally in disregard of institutional inputs or relevant considerations. Even assuming that the consultative process did not conform to the petitioner's expectations, that circumstance by itself would not vitiate the exercise of power under Section 51(3). Ultimately, the statute entrusts the decision to the Chief Justice, subject to the approval of the Governor, and once those requirements are satisfied, the Court would be slow to interfere in the absence of mala fides or manifest illegality.

RE: ISSUE III - EFFECT OF PAST ADMINISTRATIVE DECISIONS AND SUBSEQUENT CHANGE IN APPROACH

38. Considerable emphasis was placed by the petitioner on the circumstance that, on earlier occasions, proposals for establishing additional Benches or places of sitting of the High Court in the State of Maharashtra were examined and not accepted. Reference was made to committee reports and administrative deliberations undertaken in the years 1996, 1997, 2006 and 2018, and it was urged that these earlier views, having been accepted at the relevant point of time, ought to operate as a restraint on the present exercise of power. According to the petitioner, in the absence of a formal reconsideration by the Full Court, any departure from those earlier decisions renders the impugned notification arbitrary.

39. The submission proceeds on an incorrect premise. Administrative decisions of this nature do not stand on the same footing as judicial determinations. They are taken having regard to the circumstances prevailing at a given point of time, including the volume and distribution of litigation, availability of infrastructure, logistical feasibility, and the broader needs of the justice

delivery system. Such decisions are necessarily contextual and are not intended to operate as permanent or inflexible conclusions.

40. It is well settled that administrative and policy decisions do not attain finality for all time to come. They remain open to reconsideration as circumstances evolve. The passage of time, the accumulation of demand, improvement in infrastructure, changes in connectivity, and shifts in litigation patterns may legitimately warrant a fresh assessment. A subsequent decision taking a different view, when informed by changed conditions, does not, by itself, render the exercise arbitrary or unreasonable.

41. This principle assumes particular relevance in matters of judicial administration. Each Chief Justice exercises administrative authority in trust for the institution, guided by the conditions prevailing during his or her tenure. While past decisions and reports may constitute valuable inputs, they do not operate as a legal bar or create an estoppel against the exercise of statutory power by a successor. What the law requires is that the decision be taken bona fide, within the scope of authority conferred by statute, and for legitimate institutional reasons. Once these requirements are satisfied, the mere fact that a different view had been taken in the past cannot invalidate the present decision.

RE: ISSUE IV - LIMITS OF JUDICIAL REVIEW IN MATTERS OF JUDICIAL ADMINISTRATION

42. At this stage, it is necessary to recall the settled limits of judicial review in matters involving administrative and policy decisions. Judicial review is concerned with the legality of the decision-making process, not with the merits of the decision itself. Courts do not sit in appeal over administrative choices, nor do they substitute their own views for those of the authority entrusted with the discretion by law.

43. This restraint assumes particular importance in matters concerning the internal administration of a constitutional court. Decisions relating to the sittings of the High Court, allocation of judicial work, or the organisation of judicial access are integral to the Chief Justice's administrative responsibilities. Such decisions are taken having regard to ground realities, institutional capacity, and the effective utilisation of available judicial resources. The constitutional scheme therefore accords a measure of latitude to the Chief Justice in these matters, subject to compliance with statutory requirements.

44. Interference by this Court is warranted only in limited situations, such as where the action is shown to be beyond statutory authority, tainted by mala fides, influenced by extraneous considerations, or so unreasonable as to warrant judicial correction. In the absence of such circumstances prevalent, the Court would exercise restraint. Any other approach would risk trenching upon the autonomy necessary for the effective functioning of the High Court. In the present case, no such infirmity has been demonstrated.

RE: ISSUE V- CHALLENGE UNDER ARTICLES 14 AND 21: ARBITRARINESS AND ACCESS TO JUSTICE

45. The petitioner has invoked Article 14 of the Constitution on the ground that the decision to designate Kolhapur as an additional place of sitting of the High Court is arbitrary and discriminatory, since other regions of the State, such as Pune or Solapur, which have also raised demands for High Court sittings, have not been similarly accommodated. The submission proceeds on the premise that the State or the High Court is constitutionally required to address all regional demands in an identical or simultaneous manner.

46. The premise is flawed. Article 14 guarantees equality before the law and equal protection of the laws. It does not require absolute uniformity in

administrative decision-making, nor does it prohibit reasonable differentiation based on relevant considerations. The decision to locate a place of sitting of a High Court is an exercise in judicial administration, undertaken to improve access to justice. Such decisions inevitably involve choices based on distance, volume of litigation, feasibility and institutional capacity. Differential treatment, when founded on such objective considerations, does not offend Article 14.

47. The petitioner's argument proceeds on an assumption that the existence of similar demands elsewhere creates a constitutional entitlement to identical treatment. Article 14 does not operate in that manner. The mere fact that another region may also have a legitimate demand for a High Court sitting does not render the present decision arbitrary. The Constitution does not require the State or the High Court to address all such demands at once, nor does it compel inaction in one case until all comparable claims can be satisfied. What Article 14 requires is that the decision under challenge bears a rational connection to a legitimate objective.

48. In the present case, the material on record shows that the districts proposed to be served by the Kolhapur sitting constitute a contiguous region, with Kolhapur emerging as a central and convenient location for that cluster of districts. These districts are situated at a substantial distance from the principal seat of the High Court. The decision to appoint Kolhapur as an additional place of sitting thus bears a clear and reasonable nexus with the object of facilitating access to justice for litigants from that region. Once such a rational basis is evident, the Court would be slow to characterise the decision as arbitrary or discriminatory merely because other regions may also aspire to similar arrangements. On this touchstone, the challenge under Article 14 cannot be sustained.

49. The petitioner has also sought to invoke Article 21 of the Constitution, contending that the establishment of an additional place of sitting of the High Court at Kolhapur undermines, rather than advancing, the right of access to justice. It is urged that judicial resources are finite, and that the diversion of judges, infrastructure and administrative support towards a new Bench may weaken the District judiciary, thereby impairing the overall justice delivery system. The submission, though framed in constitutional terms, essentially invites the Court to adjudicate upon questions of policy prioritisation.

50. The right of access to justice is undoubtedly an integral facet of the right to life under Article 21, as authoritatively recognised by this Court in ***Anita Kushwaha v. Pushap Sudan***[8]. Access to justice is not a narrow or abstract idea. It is concerned not merely with the existence of courts, but with whether litigants can realistically approach them without undue hardship. Distance, cost and delay are all relevant considerations. Viewed thus, the holding of High Court sittings at places closer to litigants, where justified by geography and volume of cases, furthers access to justice. Decentralisation in such circumstances does not weaken the justice delivery system; it brings the Court closer to those whom it exists to serve and thereby advances the constitutional guarantee.

51. The same approach is reflected in the decision of the Karnataka High Court in ***E. Ram Mohan Chowdry v. Registrar General, High Court of Karnataka***[9], where the establishment of benches at Dharwad and Kalaburagi under Section 51(3) was challenged. The principal contention was that the assignment of cases to those places amounted to an impermissible territorial division of the High Court. The Court rejected the challenge, holding that the power of the Chief Justice under Section 51(3) to determine the sittings

---

[8] (2016) 8 SCC 509
[9] 2008 SCC OnLine Kar 288

of the Court is an administrative power exercised for the convenience of litigants and the effective functioning of the institution. It was held that Judges sitting at such places continue to exercise the jurisdiction of the High Court itself and that no territorial bifurcation results merely because the Court sits at different locations. The Court observed that the convenience of the litigant public must be the paramount consideration in such matters, and that the establishment of circuit benches advances access to justice. The Special Leave Petition filed against the said judgment was dismissed by this Court.

52. The apprehension that resources might have been better deployed elsewhere reflects a difference of opinion on administrative strategy, not a constitutional infirmity. The Constitution does not mandate a singular model for strengthening access to justice, nor does it privilege one level of the judiciary over another. Decisions as to whether resources should be channelled towards district judiciary, additional High Court sittings, or other institutional reforms fall within the domain of the executive and the judiciary acting in their administrative capacities. So long as the impugned decision is taken within the bounds of statutory authority and bears a rational connection to the objective of enhancing access to justice, it cannot be invalidated on the ground that an alternative policy choice might have been preferable. In the present case, the establishment of the Kolhapur Bench is consonance with the constitutional vision of bringing justice closer to the people, and it does not infringe Article 21 in any manner.

CONCLUSION

53. Applying the aforesaid principles to the facts of the present case, we find no legal infirmity in the impugned notification appointing Kolhapur as a place at which the Judges and Division Courts of the Bombay High Court may sit.

The notification has been issued in exercise of the statutory power expressly conferred by Section 51(3) of the States Reorganisation Act, 1956. The authority competent to exercise such power, namely the Chief Justice of the High Court, has acted within the bounds of the statute and has obtained the approval of the Governor, as required by law. The material placed on record indicates that the decision was taken after due consideration of factors relating to accessibility, feasibility and institutional capacity. No material has been placed before us to suggest that the decision is vitiated by mala fides or influenced by any extraneous consideration.

54. On a closer examination, the objections raised by the petitioner do not disclose any breach of a constitutional or statutory mandate. At their highest, they reflect a disagreement with the administrative assessment underlying the decision. Such divergence of views on matters of institutional administration or policy prioritisation, however earnestly advanced, cannot constitute a ground for judicial interference. Judicial review is concerned with the legality of the decision-making process, not with the merits of the decision itself, nor with substituting the Court's view for that of the authority entrusted by law with the responsibility of administering the institution.

55. It is therefore appropriate to restate the legal position that emerges from the foregoing discussion. The power under Section 51(3) of the States Reorganisation Act, 1956 is an independent and continuing power vested in the Chief Justice of a High Court to appoint additional places of sitting for the more convenient transaction of judicial business, subject to the approval of the Governor. The exercise of this power is not dependent upon the establishment of a permanent Bench under Section 51(2), nor is it constrained by administrative decisions taken in the past under different circumstances. Judicial review of such decisions is correspondingly limited and extends only to examining whether the action is within jurisdiction, bona fide, and consistent with constitutional requirements. However we reiterate

the power of the Union Government under Section 51 (2) would be available at all times, and we expressly make it clear that exercise of power under Section 51 (3) would not denude or dilute such power of the Union Government under Section 51(2) of the Act in the facts of the case. In other words, the Union Government would be at liberty to exercise such power if it deems fit, notwithstanding the power exercised by the Chief Justice of the High Court under Section 51 (3) of the Act.

56. In the present case, we are satisfied that the impugned notification satisfies all these parameters. The decision facilitates access to justice for litigants from a region which is geographically distant from the principal seat of the High Court. The Constitution does not prescribe a single model for judicial administration; it permits institutional discretion to be exercised, within the framework of law, to meet practical and regional needs.

57. For the foregoing reasons, we hold that the challenge to the notification dated 01.08.2025 is without merit. The writ petition is accordingly dismissed. There shall be no order as to costs.

……., J.
[ARAVIND KUMAR]

……., J.
[N.V. ANJARIA]

New Delhi;
December 18th, 2025.