



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 2623 OF 2024**

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**Shri Shivneri Sahakari Bank Ltd.,**  
Ichalkaranji, merged into Dombivli  
Nagari Sahakari Bank, Branch  
Ichalkaranji, Tal. Hatkanangale,  
District Kolhapur

... Petitioner

**V/s.**

- 1. Rupee Cooperative Bank Ltd.,**  
having Head Office at 2062,  
Sadashiv Peth, Pune AND  
branch office at Laxmipuri,  
Kolhapur, District Kolhapur  
(Through Liquidator)
- 2. Shree Swaroop Sying Pvt. Ltd.,**  
Shree Swaroop Plot No.28,  
Ichalkaranji, District Kolhapur
- 3. Mukund Atmaram Pitre,**  
Age- Adult, Occupation Unknown,  
717, Kasba Peth, Pune

... Respondents

Mr. A.R. Gole for the petitioner.

Mr. Nitin Deshpande (through V.C.) with Ms. Anjali S.  
Shinde for respondent No.1.

**CORAM : AMIT BORKAR, J.**

**RESERVED ON : DECEMBER 1, 2025**

**PRONOUNCED ON : DECEMBER 9, 2025**

**JUDGMENT:**

1. The issue that requires adjudication is, whether having regard to the statutory framework, the administrative notifications issued by the High Court, and Rule 3A of the Bombay High Court Appellate Side Rules, 1960, the present writ petition under Article 227, which arises from a dispute originating in Kolhapur District, is required to be heard and decided by the learned Single Judge at the Kolhapur Bench instead of the Court at the principal seat.

2. The facts relevant to this issue are not in dispute. The Co operative Court No. 1 at Kolhapur dismissed Dispute No. 1539 of 2006. The Maharashtra State Cooperative Appellate Court, Mumbai, Pune Bench, allowed the appeal by judgment and order dated 10 February 2022 and thereby allowed the dispute. The letter of credit which formed the basis of the dispute was opened by Respondent No. 3 at the Kolhapur branch of the petitioner Bank. Respondent No. 1 carries on business at Kolhapur, though its registered office is at Pune. All relevant transactions which gave rise to the dispute took place in Kolhapur District. A circuit bench of this Court now sits at Kolhapur under the Notifications and the amended Rules referred to by the parties. On these facts, the parties have taken different positions as to jurisdiction.

3. Mr. Gole, learned counsel for petitioner relies on the distinction between Articles 226 and 227 of the Constitution. It is contended that Article 226 clause (1) is concerned with the authority or person to whom the writ is to be issued, that is, the situs of the authority. Article 226 clause (2) is concerned with the

place where the cause of action arises, wholly or in part. Clause (2) was brought on the statute book by the Constitution (Fifteenth Amendment) Act, 1963. According to the petitioner, this amendment imported the doctrine of cause of action into Article 226. It is further urged that Article 227 contains no such reference. Article 227 vests in every High Court the power of superintendence over all Courts and Tribunals throughout the territories in relation to which it exercises jurisdiction. There is no express mention of cause of action. Therefore, according to the petitioner, in proceedings under Article 227, the High Court looks only at the situs of the subordinate Court or Tribunal whose order is impugned. The concept of cause of action, as understood in the Code of Civil Procedure, has no role in deciding territorial jurisdiction under Article 227. The petitioner then stresses that the present petition is expressly filed under Article 227 and not under Article 226. It is argued that once the petitioner has invoked only the supervisory jurisdiction, the tests evolved under Article 226(2) about cause of action and part of cause of action are not attracted. The High Court exercises superintendence over “all Courts and Tribunals in the State” and the only test, according to the petitioner, is the location of the Court or Tribunal which has passed the order subject to challenge.

4. The petitioner further submits that the Kolhapur seat of this Court is only a circuit bench. It is not a permanent bench established under Section 51(2) of the States Reorganisation Act, 1956. Being a circuit bench, it remains only a part and extension of the principal seat at Bombay. Under Section 51(3) of the States

Reorganisation Act, the Chief Justice, with the approval of the Governor, may appoint other places where the Judges and Division Courts of the High Court may also sit. The Notification dated 1 August 2025 is issued in this background. It merely appoints Kolhapur as a place where the Judges may also sit. According to the petitioner, this does not alter the constitutional position that there is one High Court of Bombay and that the supervisory jurisdiction under Article 227 is exercised by the High Court as a whole.

5. On the above foundation, the petitioner invokes the doctrine of merger. The submission is that once an appellate authority disposes of an appeal, the order of the original authority merges into the appellate order. What survives is only the appellate order. Therefore, in a petition under Article 227, what is challenged is the appellate order which contains within it the merged original order. The supervisory jurisdiction is thus attracted in relation to the appellate Court. On this reasoning, the petitioner contends that for a petition under Article 227, the focus must be on the appellate Court at Pune, which has passed the last order, and not on the original Co operative Court at Kolhapur.

6. The petitioner then relies on the judgments in *Nasiruddin v. State Transport Appellate Tribunal*, (1975) 2 SCC 671, and *Kusum Ingots & Alloys Ltd. v. Union of India*, (2004) 6 SCC 254, and submits that these judgments have not been overruled and continue to hold the field. The later decisions in *Ambica Industries v. Commissioner of Central Excise*, (2007) 6 SCC 769, and *Calcutta Gujarati Education Society v. Provident Fund Commr.*, (2020) 19

SCC 380, are said to have considered Article 227 along with Article 226(2) but without clearly distinguishing *Nasiruddin* or *Kusum Ingots*. It is therefore argued that the principles in *Nasiruddin* and *Kusum Ingots* regarding cause of action and part cause of action cannot be pressed into service to rework the scheme of Article 227. The last submission for the petitioner is that under Article 227, the jurisdiction exists to ensure that the Courts and Tribunals remain within the bounds of their authority. In this limited supervisory jurisdiction, the High Court is concerned only with the correctness and legality of the impugned order, not with where any cause of action arose. On this logic, the bench which exercises superintendence over the appellate Court at Pune must decide the present petition.

7. The respondent, through learned counsel Mr. Deshpande, has taken a different line of reasoning. He first draws attention to Section 51 of the States Reorganisation Act, 1956. Section 51(1) authorises the President, by notified order, to appoint the principal seat of the High Court for a new State. Section 51(2) provides for establishment of a permanent bench or benches at such other places as may be specified. Section 51(3) further provides that notwithstanding what is stated in sub sections (1) and (2), Judges and Division Courts of the High Court may also sit at such other places in the State as the Chief Justice may appoint with the approval of the Governor. According to the respondent, these provisions make it clear that whether it is the principal seat, a permanent bench under sub section (2) or a place of sitting under sub section (3), the Judges at all such places form part of the same

High Court. They exercise the same jurisdiction. The difference is only about the place of sitting and the internal allocation of business. The respondent then relies on the Notification dated 1 August 2025 issued by the Chief Justice, in consultation with the State Government, whereby Kolhapur is appointed as a place at which the Judges and Division Courts of this High Court may also sit with effect from 18 August 2025. By a subsequent Notification dated 28 August 2025, the Bombay High Court Appellate Side Rules, 1960 have been amended by the Bombay High Court Appellate Side (Amendment) Rules, 2025. By this amendment, Rule 3A has been inserted. Under this Rule, all appeals, applications and petitions, including petitions under Articles 226 and 227 of the Constitution, arising in the judicial districts of Kolhapur, Ratnagiri, Satara, Sangli, Sindhudurg and Solapur, which lie within the jurisdiction of the High Court of Bombay, “shall” be disposed of by a Single Judge sitting at Kolhapur. The respondent therefore submits that the question is not whether the High Court at Bombay has jurisdiction or the High Court at Kolhapur has jurisdiction. There is only one High Court. The question is which particular bench, as per the Rules framed by the High Court itself, will hear matters arising from a given judicial district. On the plain language of Rule 3A, all matters arising from Kolhapur District must be heard by the Single Judge at Kolhapur.

8. The respondent then addresses the test for deciding where the writ petition “arose”. According to him, one has to look at the dispute as a whole. The petitioner Bank issued a letter of credit to Opponent No. 3 from its Kolhapur branch. The disputant Bank

made payment to Opponent No. 3 based on that letter of credit. Opponent No. 2 Bank refused to honour the letter of credit. All these events took place in Kolhapur District. The Co operative Court at Kolhapur tried the dispute and dismissed it. On these admitted facts, the respondent submits that the dispute clearly arose in Kolhapur District. It was rightly filed before the Co operative Court at Kolhapur. Therefore, the writ petition arising out of this dispute must, in terms of Rule 3A, be heard by the Single Judge at Kolhapur.

9. On the legal position of benches and circuit benches, the respondent places reliance on *State of Maharashtra v. Narayan Shamrao Puranik, (1982) 3 SCC 519*. In that case, the Supreme Court upheld the notification establishing a bench at Aurangabad. In paragraph 25 of the judgment, the Supreme Court observed that the Judges and Division Courts sitting at Aurangabad are Judges and Division Courts of the same High Court of Bombay. In paragraph 26, the Court referred with approval to the judgment of a Division Bench of this Court in *Seth Manaji Dana v. CIT, Bombay, Civil Appeal No. 995 of 1957, decided on 22 July 1958*, which held that Judges and Division Courts sitting at Nagpur function as Judges and Division Courts of the High Court at Bombay. From these authorities, the respondent submits that Judges sitting at Kolhapur are Judges of the High Court of Bombay. The Chief Justice, as master of the roster, is competent to assign writ petitions under Article 227 arising from Kolhapur District to the learned Single Judge sitting at Kolhapur. Once such assignment is made by Rule 3A and by the Notifications, a Single Judge sitting at

Bombay cannot hear matters specifically entrusted to the Single Judge sitting at Kolhapur. The respondent also answers the petitioner's attempt to invoke the doctrine of merger for purposes of territorial allocation under Article 227. He relies on *Ambica Industries*. In that case, the Supreme Court considered which High Court would have jurisdiction to entertain an appeal under Section 35G(1) of the Central Excise Act when the appellate tribunal exercised jurisdiction over more than one State. The Supreme Court referred to the Four Judge Bench decision in *Sri Nasiruddin* and also considered Article 227 and Article 226(2). The Court held that when an appellate authority exercises jurisdiction over tribunals in more than one State, the High Court which will act as the appellate forum is the High Court of the State in which the original authority is located. The Supreme Court clarified that neither *Nasiruddin* nor *Kusum Ingots* can be read to mean that only the High Court at the place where the appellate tribunal sits will have jurisdiction. A similar principle has been followed in *NCDEX e Markets Ltd. v. Canara Bank*, 2025 SCC OnLine Cal 7215. Further, in *Principal Commissioner of Income Tax 1, Chandigarh v. ABC Papers Ltd.*, (2022) 9 SCC 1, the Supreme Court has held that appeals against the decisions of the Income Tax Appellate Tribunal must be filed in that High Court within whose territorial jurisdiction the assessing officer who passed the assessment order is situated. The focus is therefore on the situs of the original authority and not only on the location of the appellate tribunal. The respondent also cites *Navin Jain v. State Bank of India*, (2002) 2 CHN 294. In that case, an order of the Debt Recovery Appellate



Tribunal at Patna was challenged under Article 227 before the Calcutta High Court. The learned single judge, after highlighting the distinction between Articles 226 and 227, held that where an appellate tribunal hears appeals from more than one original tribunal located in different States, an application under Article 227 challenging the appellate tribunal's order must lie before the High Court of the State within whose territory the original tribunal concerned in that particular case is situated. Similar views have been expressed in *Siddharth S. Mukherjee v. Madhab Chand Mitter*, 2024 SCC OnLine Cal 4285, and *Rajkumari Thakur v. State of Madhya Pradesh*, 2024 SCC OnLine MP 8643. On the strength of these authorities, the respondent submits that even when one applies Article 227, the focus for territorial nexus is on the location of the original Court or Tribunal in that particular case. The subsequent notifications dated 1 August 2025 and 22 August 2025 must therefore be given full effect, as held in *Kedarnath Agrawal v. Dhanraji Devi*, (2004) 8 SCC 76, which recognises the duty of the Court to take note of subsequent events having a bearing on the forum and the relief.

**10.** On the basis of the facts placed on record and the submissions advanced by both sides, the following questions arise for consideration.

- (a) Whether the present writ petition, though maintainable before the High Court of Bombay under Article 227, is required to be heard at a particular bench in view of the territorial distribution of judicial work.

- (b) Whether Rule 3A of the Bombay High Court Appellate Side Rules, 1960, as inserted by the Amendment Rules of 2025, is mandatory in nature and governs the forum for hearing writ petitions arising from Kolhapur District.
- (c) Whether the dispute giving rise to the present petition can be said to have “arisen in the judicial district of Kolhapur” within the meaning of Rule 3A, having regard to the location of the transactions and the original adjudicating authority.
- (d) Whether the doctrine of merger assists the petitioner in contending that the appellate order passed at Pune determines the proper forum for the writ petition under Article 227.
- (e) Whether the absence of the expression “cause of action” in Article 227 prevents the High Court from adopting a territorial criterion for internal allocation of work between benches.
- (f) Whether the Notifications dated 1 August 2025 and 28 August 2025, and the insertion of Rule 3A, being subsequent procedural developments, must be given effect even to petitions filed earlier, in light of the principles recognised by the Supreme Court.
- (g) Whether, in view of the law declared in *Narayan Shamrao Puranik*, *Ambica Industries*, *ABC Papers*, *Navin Jain* and *Prakash Chand*, this Court sitting at the principal seat can retain seisin of a matter which stands assigned to the Kolhapur bench by Rule and roster.

(h) Whether any right exists in the petitioner to insist that the petition be heard at the principal seat despite the territorial allocation made by the High Court.

**11.** The first question that falls for determination is at whether the present writ petition, though maintainable before the High Court of Bombay under Article 227, is required to be heard at a particular bench in view of the territorial distribution of judicial work.

**12.** There is only one High Court of Bombay for the entire State of Maharashtra and Goa. Section 51 of the States Reorganisation Act makes it clear that the High Court may sit at different places, but it remains one constitutional Court. Judges who sit at Kolhapur sit as Judges of the High Court of Bombay. They exercise the same powers under Articles 226 and 227 as the Judges who sit at the principal seat in Bombay. No distinction can be made in their authority or in the nature of jurisdiction they exercise. The difference between the principal seat, a permanent bench or a circuit bench is only for administrative purposes. These arrangements are made so that the work of the Court is conducted conveniently in different parts of the State. They help distribute the workload, reduce travel for litigants and ensure timely access to justice. These administrative arrangements do not divide the High Court into separate Courts nor do they reduce or enlarge the constitutional powers of any Judge sitting at any place of the High Court. Article 227 gives the High Court the authority to supervise all Courts and Tribunals functioning within the State. This power covers every district and every judicial body that operates under

the territorial jurisdiction of the High Court. The power is wide and complete. It enables the High Court to ensure that subordinate Courts and Tribunals act within their lawful authority and follow the procedure laid down by law. The Co operative Court at Kolhapur and the State Co operative Appellate Court at Pune function within the territorial limits of the State of Maharashtra. These bodies are, therefore, clearly subject to the supervisory control of the High Court of Bombay. No party has brought before this Court any provision of law or any precedent to show that these Courts fall outside the purview of Article 227. The present petition challenges the legality of orders passed by these very courts. Such a challenge squarely falls within the supervisory jurisdiction of the High Court. There is no doubt about the competence of the High Court of Bombay, as a constitutional Court, to entertain and examine the petition under Article 227.

**13.** To answer the first question, the Court must look at the rules framed by the High Court itself and the administrative directions issued by the Hon'ble Chief Justice. These materials are reliable and have binding force. The Bombay High Court Appellate Side (Amendment) Rules, 2025 inserted Rule 3A into the existing Rules.

**14.** Rule 3A reads as under: "All appeals, applications, references and petitions including petitions for exercise of powers under Articles 226 and 227 of the Constitution arising in the Judicial Districts of Kolhapur, Ratnagiri, Satara, Sangli, Sindhudurg and Solapur which lie to the High Court of Bombay shall be presented to the Registrar, High Court Circuit Bench at Kolhapur and shall be disposed of by the Judges sitting at Kolhapur."

**15.** The language of this Rule states that all appeals, applications and petitions, including matters under Articles 226 and 227, which arise in the judicial districts of Kolhapur, Ratnagiri, Satara, Sangli, Sindhudurg and Solapur, shall be heard and disposed of by a Single Judge sitting at Kolhapur. The use of the word “shall” in Rule 3A shows that the Rule is mandatory in nature. It leaves no scope for discretion. It sets out a firm territorial arrangement for distribution of judicial work between the principal seat and the Kolhapur bench. This arrangement flows from the High Court’s power Article 225 and Section 122 of Code of Civil Procedure to make rules regulating its own procedure. Therefore the territorial allocation made by Rule 3A binds this Court.

**16.** Rule 3A of the Appellate Side Rules uses the phrase “arising in the judicial district of Kolhapur”. This expression is not intended to expand or restrict the constitutional reach of Article 227. It is simply a tool for administrative allocation. It identifies which bench will hear matters with a clear territorial link to Kolhapur District. This phrase must be applied to the factual foundation of the case. The record shows credible evidence that all essential events took place in Kolhapur. Therefore, the present matter fits completely within the meaning of a dispute arising in Kolhapur District. The mere fact that an appeal was later filed and decided in Pune does not change the origin of the dispute. Territorial origin remains fixed and is determined by the facts that created the dispute, not by the place where an appeal is heard. For the purpose of Rule 3A, the place where the dispute began is decisive. On that basis, this writ petition must be treated as one

arising from the judicial district of Kolhapur. Once the Court concludes that the dispute has arisen in Kolhapur District, the legal effect of Rule 3A becomes automatic. Rule 3A states in clear terms that every petition under Article 226 or Article 227 arising from Kolhapur District shall be heard and decided by a Single Judge sitting at Kolhapur. The word “shall” leaves no scope for discretion. It creates a binding obligation on the Court to follow the territorial allocation laid down in the Rule. The record also shows that the Chief Justice, in the exercise of administrative powers as master of the roster, has assigned matters arising from Kolhapur District to the Kolhapur bench. These administrative directions are issued under the constitutional authority of the Chief Justice and hold binding force. The Supreme Court in *Narayan Shamrao Puranik* has held that Judges sitting at any bench or circuit bench are Judges of the same High Court. This principle was earlier recognised in the decision of this Court in *Seth Manaji Dana*. These judgments make it clear that although the High Court may sit at different places, the jurisdiction and powers of the Judges remain identical. What differs is only the internal distribution of work. Therefore, when the Rules and the roster assign a particular category of matters to a Judge sitting at Kolhapur, a Judge sitting at the principal seat cannot take over those matters on the ground that he also exercises the same constitutional jurisdiction. Doing so would defeat Rule 3A and disturb the administrative structure laid down by the High Court itself. The only interpretation supported by the Rules, the judicial precedents and the constitutional scheme is that petitions arising from Kolhapur District must be heard at

Kolhapur and not at the principal seat.

17. The petitioner argues that because Article 227 does not use the words “cause of action”, the High Court cannot rely on the expression “arising in a district” for deciding which bench will hear a particular matter. This submission cannot be accepted on the basis of the constitutional text, the statutory framework, or the judicial materials placed before the Court. Article 227 gives the High Court supervisory authority over all Courts and Tribunals within the territories of the State. The focus of this Article is on territorial jurisdiction of the High Court as an institution. Once that territorial link is established, Article 227 does not restrict how the High Court distributes its internal work. The Constitution leaves it to the High Court to regulate its own procedure and the manner in which its jurisdiction is exercised. In exercise of this power, the High Court has framed its Appellate Side Rules. Rule 3A uses the phrase “arising in the judicial districts of ...” as a basis for allocating work between the principal seat and the Kolhapur bench. This expression does not reduce or qualify the constitutional jurisdiction of the High Court. It serves only one purpose. It identifies which bench will hear matters that have a clear territorial connection with certain districts. This is an administrative and procedural decision supported by the High Court’s rule making authority. It does not take away any substantive right of a litigant. The absence of the phrase “cause of action” in Article 227 does not mean that the High Court cannot adopt territorial criteria for internal management of judicial business. The Rule fits within the framework of the High Court’s

administrative powers and therefore the petitioner's argument cannot be accepted.

18. The petitioner places strong reliance on the doctrine of merger and argues that once the appellate Court passes its order, the original order merges into it and loses separate existence. On that basis, the petitioner contends that territorial allocation should depend only on the place where the appellate Court sits. This argument goes beyond what the doctrine of merger is intended to achieve and cannot be accepted. The doctrine of merger is a principle used in appellate law. It explains that when an appeal is decided, the appellate order becomes final for the issues decided and the original order does not survive independently for those purposes. The doctrine is meant to give finality to appellate decisions. It is not a rule for deciding which bench of the High Court should hear a writ petition.

19. The Supreme Court, in *Ambica Industries* and later in *ABC Papers*, has clarified that when a tribunal hears appeals from more than one State, the High Court that has jurisdiction is not necessarily the High Court where the tribunal is located. Instead, jurisdiction is linked to the State in which the original authority is situated. This principle rests on the territorial nexus of the dispute, which is supported by statutory interpretation and consistent judicial reasoning. The same view has been applied in *Navin Jain and other* later judgments dealing with Article 227. These decisions hold that when an appellate tribunal exercises jurisdiction over original tribunals in different States, a challenge under Article 227 must be carried to the High Court of the State



where the original tribunal in that specific case is located. When this principle is applied to the present case, the conclusion becomes clear. The Co operative Court at Kolhapur and the State Co operative Appellate Court at Pune both lie within the territorial limits of the State of Maharashtra. Both are under the superintendence of the High Court of Bombay. Therefore, the doctrine of merger cannot be used to ignore the location of the original Court and rely only on the place of the appellate Court for deciding the proper bench. Doing so would contradict the trend of judicial authority which consistently attaches importance to the situs of the original authority. Legal materials support only one interpretation. For territorial allocation between benches of the same High Court, the origin of the dispute and the district in which the original authority acted remain relevant factors.

**20.** The undisputed facts make it clear that the dispute has its roots in Kolhapur District. The letter of credit that lies at the heart of the case was issued by the petitioner's Kolhapur branch. The payment arising from that letter of credit was made in Kolhapur. The refusal by the concerned bank to honour that letter of credit also took place in Kolhapur. Each material event that gave rise to the dispute occurred within Kolhapur District. Because the dispute originated in Kolhapur, the Co operative Court at Kolhapur rightly exercised jurisdiction and conducted the trial. The Appellate Court at Pune acted only because it was the designated appellate forum for decisions rendered by the Co operative Court at Kolhapur. The appellate proceedings did not shift the geographical origin of the dispute. They only formed a continuation of the same dispute that

began in Kolhapur.

21. The petitioner has placed reliance on the decisions in *Nasiruddin* and *Kusum Ingots*. These judgments deal with Article 226(2) and the doctrine of cause of action for deciding which High Court should hear a matter when more than one High Court may appear to have jurisdiction. These cases address inter State jurisdictional issues. They guide situations where the Courts of two different States may both be connected to the dispute. In the present case, no such question arises. There is only one High Court of Bombay. It sits at different places for administrative convenience. The matter does not involve a choice between two different High Courts. It involves only the internal question. Which bench of the same High Court should hear the petition. The test applied in *Nasiruddin* and *Kusum Ingots* for deciding between different High Courts is, therefore, not directly applicable here. For this internal allocation question, the more relevant guidance comes from the judgments cited by the respondent. The Supreme Court in *Ambica Industries* and *ABC Papers* has explained that even when an appellate tribunal functions at one place, jurisdiction remains tied to the place where the original authority acted. The same approach is followed in *Navin Jain* and later decisions concerning Article 227.

22. When these principles are read together with the settled position in *Narayan Shamrao Puranik*, which recognises that all benches of the High Court form one judicial body, the conclusion becomes clear. The proper test in such cases is to identify the district where the original authority acted and then apply the

territorial allocation made by the High Court's own Rules. Rule 3A adopts that very approach. It directs that matters arising in certain judicial districts must be heard at Kolhapur. Since the dispute in the present case originates from Kolhapur District, and credible legal authority supports allocating jurisdiction on that basis, the petitioner's reliance on *Nasiruddin* and *Kusum Ingots* does not change the outcome. The internal structure created by the High Court's Rules must govern the forum for hearing this petition. Applying this principle to the present case, the Notifications dated 1 August 2025 and 28 August 2025 and the insertion of Rule 3A are significant subsequent events. These Notifications designate Kolhapur as a place where Judges of this Court may sit and amend the Appellate Side Rules to require that all matters arising from specified districts, including Kolhapur, must be heard by a Single Judge sitting at Kolhapur. Even if the present petition was originally filed at the principal seat in Mumbai, the legal position changed once Rule 3A came into effect. From that point onward, the forum for hearing petitions under Articles 226 and 227 arising from Kolhapur District stood fixed by the Rule. No material has been placed before the Court to show that Rule 3A has been stayed, suspended or otherwise rendered inapplicable.

**23.** In my view, the judgment in *State of Rajasthan v. Prakash Chand*, (1998) 1 SCC 1, directly supports the manner in which Rule 3A operates and must be implemented. The Supreme Court has clearly held that the Chief Justice is the “master of the roster”. It is the Chief Justice who has the exclusive authority to constitute benches, to decide which Judge will sit singly, which Judges will sit

in a Division Bench, and what work each bench will do. The Court has further held that individual Judges have no general jurisdiction over all cases. They can hear and decide only those cases which are allotted to them by or under the orders of the Chief Justice. Any assumption of work outside the roster fixed by the Chief Justice is without jurisdiction and violates judicial discipline. The Rajasthan High Court Rules considered in *Prakash Chand* are similar with the principles on which this High Court functions. There also, the Rules provided that Judges shall sit alone or in Division Courts and do such work as may be allotted to them by order of the Chief Justice or in accordance with his directions. The Supreme Court approved the consistent view of various High Courts that no Judge or Bench can assume jurisdiction in any case unless that case is placed before him or them under the orders of the Chief Justice.

**24.** Read in this light, Rule 3A of the Bombay High Court Appellate Side Rules is nothing but a concrete expression of this same principle. Under Rule 3A, the High Court, acting through its rule-making power and under the administrative control of the Chief Justice, has decided that all appeals, applications and petitions, including those under Articles 226 and 227, arising from specified districts, shall be heard by a Single Judge sitting at Kolhapur. Once such a rule is in force, no Single Judge sitting at the principal seat can disregard it and retain or assume jurisdiction over a matter which, by Rule 3A, stands assigned to the Kolhapur bench.

25. The Supreme Court in *Prakash Chand* also dealt with part-heard matters, tied-up cases and transfers by the Chief Justice. It held that even a part-heard case can be withdrawn from a Single Judge and transferred to a Division Bench if the Rules so demand. The Chief Justice's power to make such transfers "from time to time" was recognised as continuing and plenary, and not exhausted once an initial allotment is made. This completely answers any suggestion that because a writ petition was originally filed, or even heard in part, at the principal seat, it must necessarily continue there. Applying the ratio of *Prakash Chand*, once the Chief Justice and the Rules have provided that cases "arising in the judicial district of Kolhapur" shall be heard at Kolhapur, that determination is binding. It is not open to a Single Judge at the principal seat to treat such a matter as "tied up" to himself contrary to Rule 3A. The judgment further makes it clear that neither counsel nor litigants have any right to demand that a particular Judge or a particular bench should hear their case. The Supreme Court approved the view that no litigant can question the jurisdiction of Judges to whom the Chief Justice has allotted work, and no litigant can claim, as a matter of right, that his petition be heard at a particular place or by a particular bench. In the context of Rule 3A, this means that a party cannot insist that a writ petition arising from Kolhapur District be heard at the principal seat at Bombay. Once Rule 3A says that such petitions "shall" be heard at Kolhapur, the parties must submit to that forum. Their right is to approach the High Court. They do not have a further right to choose the bench within the High Court.

26. Taken together, the principles laid down in *Prakash Chand* fully support the operation of Rule 3A. They affirm that:

- (i) The Chief Justice has exclusive authority to constitute benches and allocate work.
- (ii) Judges can hear only those matters which are allotted to them under the roster.
- (iii) Litigants have no right to choose the bench.
- (iv) Even part-heard matters can be transferred if the Rules so require.
- (v) Any attempt by a Single Judge to disregard the roster or to sit in judgment over the Chief Justice's administrative order is without jurisdiction.

27. In the present case, once the dispute is found to arise in Kolhapur District, Rule 3A mandates that the writ petition must be heard by the Single Judge at Kolhapur. *Prakash Chand*, properly applied, reinforces that conclusion and leaves no room for any bench other than the Kolhapur bench to assume seisin of the matter contrary to Rule 3A. Since the dispute clearly arises from Kolhapur District, Rule 3A directly governs the forum. The petition must now be dealt with in accordance with that Rule, irrespective of where it was originally filed.

28. In the result, I hold as follows.

29. The High Court of Bombay, as a constitutional Court, has supervisory jurisdiction under Article 227 over both the Cooperative Court at Kolhapur and the State Co operative

Appellate Court at Pune. The present petition is maintainable under Article 227. However, having regard to Section 51 of the States Reorganisation Act, the Notifications dated 1 August 2025 and 28 August 2025 and Rule 3A of the Bombay High Court Appellate Side Rules, 1960, all petitions under Articles 226 and 227 arising from disputes in Kolhapur District are required to be heard and disposed of by a Single Judge sitting at Kolhapur. The present dispute has arisen in Kolhapur District. The writ petition therefore “arises” in Kolhapur District within the meaning of Rule 3A. The doctrine of merger does not alter this position for the purpose of territorial allocation between benches of the same High Court. The concept of cause of action in Article 226(2) does not control the High Court’s power to frame Rules for internal allocation of work under Article 227. The authorities cited on behalf of the respondent, including *Narayan Shamrao Puranik*, *Ambica Industries*, *ABC Papers* and *Navin Jain*, when read together, support the view that the forum is to be determined with reference to the location of the original authority and the High Court’s own Rules.

**30.** Accordingly, this Court, sitting at the principal seat, will not proceed to examine the merits of the petition. The office shall forthwith transmit the writ petition, together with all connected papers, to the Circuit Bench at Kolhapur for disposal in accordance with law.

**31.** All contentions of the parties on the merits of the dispute are kept open to be urged before the learned Single Judge sitting at Kolhapur.

**32.** I place on record my sincere appreciation for the valuable assistance rendered by learned counsel Mr. A. R. Gole for the petitioner and learned counsel Mr. N. P. Deshpande for the respondent. Both counsel have made thorough, well researched and focused submissions which have materially assisted the Court in arriving at a proper legal determination.

**(AMIT BORKAR, J.)**