

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 02.11.2018

Delivered on : 27.11.2018

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD).No.3867 of 2010

V.Narayanan

...Revision Petitioner/Appellant
Petitioner (Plaintiff)

Vs

1.The District Collector,
Madras District,
Singaravelar Buildings,
Rajaji Salai,
Chennai-600 001.

2.The Tahsildar,
Mambalam – Guindy Taluk,
Taluk Office,
K.K. Nagar,
Chennai-600 078.

3.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai-600 003.

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4.The Proprietor,
"Kanchana Mahal",
Rajakumari Theatre Complex,
Pondy Bazaar,
Chennai-17.

5.The Proprietor,
"Roobini Silks",
Rajakumari Theatre Complex,
Pondy Bazaar,
Chennai-17.

6.The Proprietor,
Hot and Chill Coffee and Cool Bar,
Rajakumari Theatre Complex,
Pondy Bazaar,
Chennai-17.

7.The Proprietor,
"Kerala Jewellers",
Rajakumari Theatre Complex,
Pondy Bazaar,
Chennai-17.

...Respondents/Respondents/
Respondents (Defendants)

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the Judgment and Decree in C.M.A.No.54 of 2009, dated 21.09.2010 passed by the learned II Additional Judge, City Civil Court, Chennai, confirming the Judgment and Decree passed by the learned XVI Assistant Judge, City Civil Court, Chennai in O.S.No.870 of 2008 dated 28.04.2009.

For Petitioner : Mr.V. Narayanan
for Mr.M.Lal Bagadur

For Respondents: Mr.Sricharan Rangarajan,
Special Government Pleader (CS)
for R1 and R2

Mr.A. Karthikaa Ashok for R3

R3-R7 – Dismissed vide Court order
dated 17.07.2018

ORDER

This revision is a classic case of the falling standard of professional conduct. A case where counsel, forgetting that they are Officers of the Court owing a duty first to the Court, have joined hands with their client to make derogatory remarks against none less than a Former Chief Justice of this Court, who went on to adorn the Bench of the Supreme Court. It is with anguish that this Court is forced to initiate proceedings for Criminal Contempt against not only the petitioner but also his counsel who appeared both before this Court as well as the City Civil Court from where the order subject matter of this revision

emanates. This Court is first taking up the Civil Revision Petition and a perusal of the same would show how frivolous suits are being filed by Counsel without verifying the records.

2.The above Civil Revision Petition is filed challenging the Judgment in C.M.A.No.54 of 2009 on the file of the learned II Additional Judge, City Civil Court, Chennai, dated 21.09.2010, confirming the order passed in I.A.No.2243 of 2008 in O.S.No.870 of 2008 passed by the learned XVI Assistant Judge, City Civil Court, Chennai dated 28.04.2009.

3.The facts in brief which are essential for disposing of the present Civil Revision Petition are as follows:

It is the case of the revision petitioner that the 'A' schedule property belonged to his father. He purchased the same from one Murugesu Naicker, son of Elumalai Naicker, in the year 1945. The said Murugesu Naicker was assigned the said property by the then Madras Governor in the year 1925. It is his case that his

title had been declared by a Decree in O.S.No.328 of 2007 dated 23.10.2007 on the file of the learned VIII Assistant Judge, City Civil Court, Chennai, in respect of a portion of the property which decree would enure to the entire 'A' schedule property. The said O.S.No.328 of 2007 was filed against the respondents 1 to 3 herein and one Kumar. He would contend that the 'A' schedule property was being used as a Flower Market and the same was leased out by the revision petitioner to several tenants. He would further contend that the suit property was maintained by his power agent. It is his case that a portion of the 'A' schedule property had been taken on lease by one Meyyappa Chettiar from the revision petitioner. He would state that he had paid off the shopkeepers and moved them out of the market paying the compensation of Rs.20,000/- to each of the tenants in all totaling a sum of Rs.24,00,000/-. He would further state that the 3rd respondent without any right had demolished the existing market and had attempted to raise constructions. Despite the suit O.S.No.328 of 2007 being decreed in favour of the revision

petitioner, the respondents were attempting to interfere in his enjoyment of the suit property. Therefore, the suit O.S.No.870 of 2008 was filed and pending the suit, the revision petitioner has filed I.A.No.2243 of 2008 for an ad-interim injunction.

4.The 3rd respondent/Commissioner of Corporation of Chennai had filed a detailed counter, wherein he had contended that the property in question belonged exclusively to the Corporation and a perusal of the revenue records would amply demonstrate this fact. He would submit that it has been the property of the Corporation from the beginning and in the said property, a new market was constructed. He would contend that it is only Chennai Corporation which is collecting rents from the market and monitoring the market premises and that in an earlier proceeding in W.P.No.11629 of 2006 filed by one Ms.V.Rajeswari, the Hon'ble First bench of this Court was pleased to dismiss the Writ by observing that the land belongs to the Corporation of Chennai.

5.The learned XVI Assistant Judge, by her order dated 28.04.2009, was pleased to dismiss the petition filed for interim injunction. The learned Judge has relied upon the Permanent Town Survey Register and Map in which the suit property has been described as belonging to the Corporation. The learned Judge has also held that by obtaining an *ex parte* decree with reference to a small portion, the revision petitioner cannot claim any title to the entire extent. The learned Judge taking into account the written arguments and the pleadings filed by the revision petitioner, has opined that the allegation made against the Hon'ble Chief Justice of this Court amounts to contempt and the petitioner is liable to be prosecuted for the same. The learned Judge has also opined that the demolition and construction was being undertaken by the Corporation of Chennai, the 3rd respondent herein, only on the basis of the orders in W.P.No.19337 of 2008.

6.The revision petitioner took up this order in Appeal in C.M.A.No.54 of 2009 and by order dated 21.09.2010, the learned II Additional Judge, City Civil Court, Chennai, dismissed the appeal and confirmed the order passed by the learned XVI Assistant Judge, City Civil Court, Chennai, in I.A.No.2243 of 2008. The learned Judge has also observed that the revision petitioner has not substantiated with proof his contentions that the declaration with reference to a small portion would automatically enure to the entire property. The learned Judge has also taken note of the fact that I.A.No.2243 of 2008 was originally closed and when the suit itself was taken up for trial and after the examination of P.W.1, the revision petitioner had revived I.A.No.2243 of 2008. The Court has also taken note of the fact that the petitioner, who pleaded that he was collecting rents from all the shopkeepers in the suit, had not produced any document in support of these contentions.

7. On the contrary, the Corporation had not only produced the revenue records but also orders of this Court to show that their right to the suit property had been recognised by this Court. It is challenging this order, the revision petitioner is before this Court.

8. The entire fulcrum of the petitioner's claim is based upon the *ex parte* decree passed in O.S.No.328 of 2007. It has to be mentioned at this juncture that this suit has been withdrawn from the file of the learned VIII Assistant Judge, City Civil Court, Chennai, and transferred to this Court after the passing of the *ex parte* decree and the same has been renumbered as Tr.C.S.No.598 of 2008 and the Corporation of Chennai which has been set *ex parte*, has taken out an application to condone the delay in filing an application to set aside the *ex parte* decree and the same has also been allowed by this Court in A.No.561 of 2009 in Tr.C.S.No.598 of 2008. This Court had called for the

records in Tr.C.S.No.598 of 2008 and the above facts have been garnered from a perusal of these records.

9.The learned VIII Assistant Judge, while passing the *ex parte* decree in O.S.No.328 of 2007 has observed that the defendants 2 and 3/respondents 1 and 2 herein had made an endorsement that they are not interested in prosecuting the suit. From a perusal of the records in Tr.C.S.No.598 of 2008, which this Court had called for, it is seen that on 02.08.2007, the learned counsel for the respondents 1 and 2 had made an endorsement that *"they are not filing any written statement since there is no specific allegations against them."* Therefore, the observation made by the learned VIII Assistant Judge, City Civil Court, Chennai, in the *ex parte* Judgment is far from the truth. Since the *ex parte* decree obtained in O.S.No.328 of 2007 is the subject matter of the application filed to set aside the *ex parte* decree now pending in Tr.C.S.No.598 of 2008, there is no cause of action for filing the suit O.S.No.870 of 2008. That apart, even

prior to the filing of O.S.No.328 of 2007, on 20.11.2006, the First Bench of this Court in W.P.No.11629 of 2006 has held as follows:

"3.This writ petition is completely vexatious and filed with bogus claim made by the petitioner not only on her behalf but on behalf of the other alleged shop-keepers in the said premises. According to the petitioner, she is in possession of the premises as a lessee under one Venkitasamy, who acquired title and possession of the property by purchase in the year 1945 from one Murugesu Naicker who was a Horse Chariot operator under Englishman, and the land was assigned to him for maintaining the Horse Shed in the year 1925 and all the shop-keepers are in possession of independent electric and sewerage connections. According to the petitioner, the shop-keepers are under fear

that their shops may be get on fire and the politicians are entering into their premises. In support of her claim, several representations made by vendors collectively and individually are enclosed in the typed set of papers.

4. However, the learned Government Pleader submits that the entire area belongs to the corporation and the petitioner and the other persons whom she is representing are all encroachers and are not paying any rent to the Corporation. In any event, the averments made in the affidavit filed in support of the writ petition are all false and this petition has been filed only with a view to prevent the Corporation from evicting the petitioner and the other vendors in a manner known to law.

5. We do not find any merits in this writ petition and the same will stand dismissed. However, there will be no order as to costs. Consequently, W.P.M.P.No.13229 of 2006 will also stand dismissed."

10. This order has not been mentioned by the revision petitioner in the earlier suit O.S.No.328 of 2007. On the contrary, in the Plaint in O.S.No.328 of 2007, the revision petitioner has stated as follows:

4....Hence, the shopkeepers through their contractor filed a Writ Petition in W.P.No.11629 of 2006 for the prayer of Mandamus, to direct the revenue officials, Corporation Officials not to interfere with the possession and enjoyment of the private market thereby to safeguard the possession and enjoyments by providing necessary police aid which is pending without any fruit."

11. Therefore, the plaint in O.S.No.328 of 2007 has been filed with false averments. I find no infirmity in the order passed by the learned II Additional Judge, City Civil Court, Chennai, in C.M.A.No.54 of 2009 confirming the fair and decretal order in I.A.No.2243 of 2008 in O.S.No.870 of 2008 on the file of the learned XVI Assistant Judge, City Civil Court, Chennai.

12. In the result, this Civil Revision Petition is dismissed. Considering the fact that the revision petitioner has instituted a vexatious litigation, this Court deems it fit to put the revision petitioner on terms. ***The revision petitioner is directed to pay costs of a sum of Rs.50,000/- (Rupees fifty thousand only) to the credit of the Chief Justice's Relief Fund, within a period of three weeks from the date of this order. Post after three weeks for reporting compliance, i.e., on 18.12.2018.***

13. This Court is constrained to recommend initiation of criminal contempt against the petitioner and the learned counsel

appearing on his behalf for the reasons narrated in the subsequent paragraphs. The dismissal of the Civil Revision Petition does not absolve the revision petitioner of the various acts of contempt committed by him in the course of the proceedings before the trial Court as well as this Court. The learned counsel appearing on behalf of the revision petitioner before this Court as also the counsel who has appeared for the petitioner in O.S.No.870 of 2008 have also committed acts of contempt by making wild allegations against the First Bench and the Judges of this Court. The passages in the grounds of revision, letter addressed to the President of India and others attack the integrity and the fairness of the Judges. Therefore, this Court deems it fit to extract the various statements of contempt made by the petitioner, all of which are taken from the typedset of papers filed by him before this Court in the instant proceedings. By scandalising and casting aspersions on the Judges of this Court, the petitioner as well as his counsels, who are the authors of the various pleadings are guilty of interfering

in the course of administration of Justice. The remarks made against the Hon'ble Chief Justice and his companion Judges, amounts to maligning the reputation of this Court and the counsel who appears for the revision petitioner, who is a member of the noble profession, has resorted to cheap gimmicks in an attempt to appease his client. The counsel has failed to appreciate that by scandalising the judiciary, he is shaking the confidence of the litigating public in the judicial system. The independence of judiciary is very vital for a free Society and when irresponsible, frivolous and reckless allegations are made with deliberate intent to lower the independence of the judiciary, such action should be dealt with a heavy hand. This Court in order to demonstrate the acts of contempt is extracting hereinbelow the various contumacious statements made by the revision petitioner in the various pleadings/correspondence.

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(a) In the order dated 28.04.2008 in I.A.No.2243 of 2008 in O.S.No.870 of 2008, the learned XVII Assistant Judge, City Civil

Court, Chennai, has extracted, at Page No.13, the Written Arguments submitted by the petitioner's counsel Mr.M.Baskaran on 21.04.2009 which reads as follows:

*"The fraud and cheating played by the Corporation by false representation that is the Corporation property to the High Court and causing the disposed suit to call to the file of High Court as pending suit make it numbered Tr.C.S.No.598/2007 as **irresponsible act of the Chief Justice** even without seeing the position of the case even after the letter to correct the error by the Plaintiff is not to be treated as good faith of Justice as it will not come under Section 52 of I.P.C. **as the Chief Justice has not exercised due care and attention as his all order in connection with the property** are only after the decree in O.S.No.328 of 2007. Hence **his acts and orders are amount to contempt of***

court, which lead to the criminal activities of Corporation for demolition and raising of construction as aiding and instigating for all sorts of offence”.

(b)The petitioner has sent a letter dated 05.06.2009 which is at Page No.143 of the typedset of papers in which he has made the following statements:

"Sub: "In the matter of forgery act committed by the Commissioner of Chennai, by adding the word as "property acquired by the Corporation" above the word, private property without any legislation as provided in Article 300 A and without adopting any due process of law and committed demolition of structure and superstructure and committed theft of trees valued Rs.50,000/- without any notice to the owner declared in decree under Section 39 of Evidence Act- Hence required to register a criminal case by the 4th of you after according sanction to prosecute by the 1st and the 2nd of you.

"I am the owner of the property by virtue of Section 110 of Evidence Act for which a portion of the total property from the isolated same document is declared for my title amount to be the declaration of title for the entire property as provided in a Section 39 of Evidence Act. **The above criminal acts are aided and instigated by the High Court by passing order by the 1st Bench in a Writ Jurisdiction as the High Court has no right to interfere with the declaration of title passed by the civil Court in Writ Jurisdiction which amounts to abuse of the process of law.** The High Court not only deviated in passing bias unlawful and illegal order but also called the disposed decreed suit from the trial court in O.S.No.328 of 2007 and re-numbered it as Tr.C.S.No.598/2008 then it has numbered the set aside the ex parte decree petition with the condonation of delay with utter bias scolded

only the allegation in para 2 of counter without any averment whether that allegation is right or wrong much less that act of the High court is whether responsible or irresponsible thereby without considering the other contents in the counter allowed the petition."

b(i). This letter has been addressed to the Hon'ble President of India, the Hon'ble Governor of Tamil Nadu, the Hon'ble Chief Minister of Tamil Nadu and the Commissioner of Police with the copies marked to the Hon'ble Chief Justice of India, the Hon'ble Chief Justice of Tamil Nadu and the Hon'ble Mr. Justice A.K. Ganguly, Retd., Judge of the Supreme Court who has been shown as the concerned Chief Justice and that the allegations were made against him in particular.

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(c). In the affidavit filed in I.A.No.2243 of 2008, once again the allegations have been against the First Bench and the

revision petitioner has stated as follows:

"Hence as per that conspiracy between the Corporation Officials and the Petitioner V.Rajeswari, the contracting lessee for herself and on behalf of all the lessee and her counsel are absent at the time of calling the case in W.P.No.11629/2006 for final disposal. **But the 1st Bench passed illegal order in that writ on merit as argued.** Subsequently the shop keepers collectively approached me to save them from the Corporation interference with the explanation of their non-appearance in the Writ Petition due to the non-traceability of the owner Mr.S.Venkitasamy and their position at that time in believing the cheating word of the corporation official, **thereby at the influence of political person who caused the 1st Bench to pass an order of disposal of Writ Petition on merits though the Petitioner and her Counsel has not appeared** actually the counsel on

that appeared at Fast Track Court, Tiruvellore and filed a 317 Petition and remained there upto evening of that day. In further proof to the above fact that the petitioner V.Rajeswari has filed a W.M.P.No.18857/2006 in which she has stated that due to the Auto accident she and her counsel unable to appear at the time of calling the case hence dismissed for default vide affidavit in W.M.P.No.18857/2006 may be read as part of this affidavit."

(d) In the same affidavit, he has further contended as follows:

"Hence all the orders of the 1st Bench from the approval for recommendation to take the property subsequently the activities of the Corporation including the demolition and the construction in the premises are amount to be

contempt of a decree of Civil Court and the claim of Corporation that this property is a Corporation property is based on the forged and fabricated document of P.L.R. Record by adding the word, as "acquired Corporation" above the original word "Private Property" since that word private is used as it was possessed and enjoyed by several persons numbering to 100 and above."

(e) In the present Civil Revision Petition which has been drafted by Mr.M.Lal Bagadur, Advocate, M.H.A.A., I Floor, Chennai-104, for and on behalf of the revision petitioner, the following reckless allegations have been made in the form of Grounds of Revision:

"2.The Lower Court and the Lower Appellate Court felt a dilemma whether to abide by the version of the First Bench of the Hon'ble High Court even it is blatant error or to pass an

order according to law by which it came to a conclusion that to pass a correct order will not fetch any crown to them except to face stichure and scolding from the High Court, while the excise of supervision power, hence they felt themselves to cross with the blatant error of the High Court by ignoring the declaration of title and the permanent injunction decree in favour of this petitioner in O.S.No.328/2007 dt., 23.10.2007 for the portion of the same property covered by the same isolated document which is deemed and amount to be the declaration of title and permanent injunction for the entire property as defined in Sec.39 of the Evidence Act as "what else need to be proved." Hence the lower court and the lower Appellate Court failed to exercise the power to treat the decree of the declaration of title and for permanent injunction for a portion is the declaration of title and permanent

injunction as the above decision is not affected by order II Rule 2 of C.P.C.

3.The lower court and the lower Appellate Court feared to state about the truth and the existing position of law as that the First Bench of the High Court has given approval for the recommendation craved by the Chairman.

Hawking implementation committee to construct a multy storey building in the decreed suit property which recommendation by the Chairman amounts to contempt of court because that decreed portion also covered in the premises for which the recommendation is sought even after that deemed decree for the declaration of title and for permanent injunction of total in the next month of that decree in which the Corporation is the party to the proceeding.

Hence the First Bench has deviated from the

established law thereby its Supervisory Power threatened the Subordinate Judge not to act according to law, dismissed this interim injunction petition.

4. The Lower Court and the lower appellate Court feared and afraid to note or remark about the prima facie forgery committed by the Corporation official in adding word "acquired Corporation" above the word "Private" in the S.L.R. Record for this property in order to claim this Private Property as Corporation property which is punishable Under Sec.192,195 of I.P.C. in the absence of Proof by the Corporation as to the fact under what G.O. Or from whom the Corporation has acquire the property from the private person. Even for the letter for such clarification, there is no reply, so far excepting the evading reply letter for forwarding that letter within inter alia department.

Thereby with the fear towards the High Court Judges the Lower Court and the Lower Appellate Court has dismissed the Interim injunction as failure to exercise the jurisdiction so vested.

5.The Lower Court and the Lower Appellate Court with the fear towards the Chief Justice and another Justice unable to record the fact that this suit in O.S.No.870 of 2008 is a consequential suit based on the decree of declaration of title and permanent injunction. Hence all these authorities the First-Bench of the High Court, Chairman Hawkers implementation Committee, the Commissioner of Corporation have no locus standi to deny, object or rebut the claim in O.S.No.870 of 2008 before setting aside that decree which is an exparte decree for which the subsequent acting Chief Justice teased the Corporation Counsel and

the Commissioner why they left the case to ex parte with the direction to take step to set aside the exparte, otherwise the Corporation should not interfere in this Private Property. So far as that decree is subsist after that only the Corporation started the construction. Hence the construction amount to contempt of Court committed by the Corporation.

6.The Lower Court and the Lower Appellate Court failed and unable to record in the order that the First Bench of the High Court has committed blatant mistake in calling the decreed and disposed suit in O.S.No.328/2007 dt., 23.10.2007 on the file of the VIII Assistant City Civil Court, Chennai based on the false and perjury representation by the Corporation that the suit is pending after granting interim injunction order and

directed the office to renumber the above suit on the file of the High Court as Tr.C.S.No.598/2008 like **the Miraculous act to make the dead man to walk on the floor which proves the Shaneful in the Judicial activities of the world.** Then after the direction by the acting Chief Justice Bench that either to take step to set aside the decree or not to interfere with the decreed. Private property, the Corporation has filed a petition to set aside the ex parte in Application Diary No.1188/09 with the petition to condone the delay in Diary No.1187/09 in which the Application to condone **the delay is numbered in Appn.No.861 of 2009 for which this petitioner has the contents the Chief Justice has acted illegally just for his benefit of elevation which act was mentioned as unwarranted by which the condonation of delay petition is allowed.** But till date the petition to set aside is not represented or

numbered as the decree for the declaration of title is in force and the consequent suit for permanent injunction based on the deemed declaration and permanent injunction decree for the entire property U/Sec.39 of Evidence Act is pending in O.S.No.870/2008 on the file of XVI Assistant City Civil Court, Madras and from which this impugned I.A. for interim injunction arose. Hence it is the mandatory duty of the every court before setting aside the earlier decree grant injunction based on the earlier decree as Mandatory.

...

10.The Lower Courts have been misguided by the Corporation with the threatening that the First Bench has passed order hence the lower courts are bound to abide the High Court even if it is erroneous, with the explanation that this petitioner has filed a stay petition in Appln.No.4088/2009 to stay the

further proceedings which was posted before the Single Judge and dismissed by him by saying that the prayer sought is in the nature of injunction, hence stay will not be maintainable. Since the Learned Single Judge unable to understand that the suit is already disposed by the City Civil Court, hence after any decree and every decree the stay alone will be maintainable, but **the Learned Judge without understanding the blatant error committed by the First Bench in calling the disposed case and renumber it as Tr.C.S.No.598/2008 will not counter the right to say as suit is not disposed to give power to file the injunction petition.**

11.The Lower Courts below are unable of understand the correct position of law as not even think about that the Chief would commit such blatant error in passing approval for the

construction after declaration of title and permanent injunction decree against the version of the Supreme Court that if any property sought to encroachment the aggrieved person has to file a declaration suit, till such time the act of encroachment will be stayed. **But by the blatant error of the Chief Justice in giving approval for the construction only after the decree for declaration of title and permanent injunction as contempt of Court since that Writ Court has no right to enter into the title dispute.**

...

13. It is not justifiable on the part of this Second Bench to say that the construction is completed hence this petitioner can claim rent from the tenants in the event of his success without understanding that already the decree of declaration of title and permanent injunction was made even before their

demolition which is properly instructed to the Chairman. However implementation Committee by claiming damages from him and also lodged a Police Complaint to the Deputy Commissioner, Mambalam for demolition. **But every attempt are futile with the saying that the Chief Justice for his elevation to Supreme Court Committed blatant error.** Hence as a trespasser, Criminals by forgery of the SLR Record voluntarily constructed the premises in contempt of Court he is not eligible to claim based on the unlawful and illegal construction.

14.It is not justifiable on the part of the High Court to allow the Corporation to allot the premises to the Hawkers before the disposal of all the proceedings even thereafter the Writ and second bench is sailing on the same way of committing error in passing order to allot the premises to the Hawker. **Hence the**

Justice in this state under the supervision of the Chief Justice is in eclipse. Hence in order to restore the justice it is essential that this Hon'ble Court may be pleased to revise the order passed by both the Lower Judges."

14. Not stopping with making written allegations when the matter was taken up for final hearing on 02.11.2018, this Court had warned the counsel who appeared on behalf of the revision petitioner that the proceedings for contempt would be initiated taking into account the allegations made in the various pleadings and this Court also wanted to know if the counsel was proceeding with the arguments or whether he wishes to withdraw the revision. However, the learned counsel in very clear terms stated that he was reiterating the statements made by him in the grounds and the various pleadings and correspondence. However, no arguments whatsoever had been advanced towards the order under revision. At one point, the learned counsel had stated that

the First Court had committed contempt against the decree passed by the learned Judge in O.S.No.328 of 2007.

15.At another point, the learned counsel made a statement that the First Bench had colluded with the Authorities. This Court thereupon asked the learned counsel for the petitioner as to whether he was standing by this statement to which the learned counsel informed the Court that he stood by such statements and he was not contrite. The entire attitude of the counsel was contemptuous and made in the Open Court in the presence not only Lawyers but also a few of the litigating public present in the Court.

16.The Hon'ble Supreme Court in the Judgment reported in **(2003) 3 Supreme Court Cases 427 [Radha Mohan Lal v. Rajasthan High Court (Jaipur Bench)]** had observed that an Advocate is not merely an agent or servant of his client and he is an Officer of the Court. He owes a duty towards the Court.

There can be nothing more serious than an act of an advocate if it tends to impede, obstruct or prevent the administration of law or it destroys the confidence of the people in such administration.

17. The Honourable Supreme Court in its Judgment reported in ***AIR 1998 Supreme Court 3299 [In re: Ajay Kumar Pandey, Advocate with Ajay Kumar Pandey v. Virendra Saran with Ajay Kumar Pandey v. Saroj Bala and others with Ajay Kumar Pandey v. J.C. Misra and others]*** has after extracting the definition of Criminal Contempt in Section 2 (c) of the Contempt of Courts Act held that from the definition, it is clear that **"Scandalizing the Judges or the Courts tends to bring the authority and administration of law into disrepute and is an affront to the majesty and dignity of law."** If the authority of the Court is undermined by such scandalizing utterances the very edifice of the Justice delivery system would get shaken and consequently creating disbelief and distrust in the minds of the litigating public. It is no doubt true

that an objective criticism made in a dignified language and respectful tone is permissible as healthy criticism is necessary for the Courts to also understand/ appreciate the view of the general public. However this liberty of expression cannot be treated as license to scandalize the Court. The said Judgment of the Honourable Supreme Court reads as follows:

"18. The rule of law is the foundation of a democratic society. The judiciary is the guardian of the rule of law and if the judiciary is to perform its duties and functions effectively and remain true to the spirit with which they are sacredly entrusted, the dignity and authority of the Courts has to be respected and protected at all costs. It is for this reason that the Courts are entrusted with the extraordinary power of punishing those for contempt of Court who indulge in acts whether inside or outside the courts, which tend to undermine the authority of the Courts and bring them in disrepute and disrespect

thereby obstructing them from discharging their judicial duties without fear or favour. This power is exercised by the Courts not to vindicate the dignity and honour of any individual Judge who is personally attacked or scandalised but with a view to uphold the majesty of law and the administration of justice. The foundation of the judiciary is the trust and the confidence of the people in its ability to deliver fearless and impartial justice and as such no action can be permitted which may shake the very foundation itself.

...

24. Thus, it is now settled that abuses, attribution of motives, vituperative terrorism and scurrilous and indecent attacks on the impartiality of the Judges in the pleadings, applications or other documents filed in the Court or otherwise published which have the tendency to scandalize and undermine

the dignity of the Court and the majesty of law amounts to criminal contempt of Court."

This Judgment was relied extensively by the Division Bench of the Bombay High Court in its Judgment reported in **2006 (4) Mh.L.J. 429 [Mahendra Pratap (COL.), S/O.Bhawani Shankar Choudhary v. Sanjay, S/o. Govinddas Rathi and others]**.

18.In the instant case, the counsel Mr.Baskaran, who appeared for the revision petitioner in the Trial Court and drafted the pleadings as well as Mr.Lal Bagadur, who has entered appearance for the revision petitioner in the revision have maligned the reputation of this Court and they have joined hands with the petitioner to scandalise the reputation of the Hon'ble Judges, despite being members of the legal profession. This Court therefore feels that they should definitely face proceedings for contempt along with their client, the revision petitioner. In

fact, the allegations that have been made are itself baseless. The petitioner would contend that the orders passed in W.P.No.11629 of 2006 has been passed in contempt of the orders in O.S.No.328 of 2007. The order in W.P.No.11629 of 2006 had been passed on 20.11.2006, whereas the *ex parte* one line Judgment in O.S.No.328 of 2007 had been passed a year later. Considering the fact that the counsel, Mr.Lalbahadur and Mr.M.Baskaran have abused their professional privileges and taking a cue from the Judgments of the Honourable Supreme Court reported in **AIR 1998 SC 3299** quoted supra, this Court directs that the copy of this order be forwarded to the Chairman, Bar Council of Tamil Nadu to take appropriate action against them as it deems fit.

19.In these circumstances, this Court takes cognisance of the Criminal Contempt in respect of the acts set out in Paragraphs 14 (a) to (e), 15 and 16 against the said Advocates Mr.M.Baskaran, Enrol No.1396/2002, No.45, II Street, Vasantha Nagar, Thiruvottiyur, Chennai, Cell No.8124254195 and Mr.M.Lal

Bagadur, Enrol No.44/2008, No.16, A, Desia Colony, Perambur, Chennai-600 012, Cell No.9841774737 and the revision petitioner V.Narayanan, S/O.Venkitasamy, No.42/26, 13th Street, Nehru Nagar, Tondiarpet, Chennai – 600 081, under Section 15 of the Contempt of Courts Act, on its own motion and direct the Registry to place the matter before the Division Bench hearing Criminal Contempt for further orders.

20.In the result,

(a) This Civil Revision Petition is dismissed. The revision petitioner is directed to pay cost of a sum of Rs.50,000/- (Rupees fifty thousand only) to the credit of the Chief Justice's Relief Fund within a period of three weeks from the date of this order. Post after three weeks for reporting compliance, i.e., on 18.12.2018.

(b) This Court takes cognisance of the Criminal Contempt in respect of the acts set out in Paragraphs 14 (a) to (e), 15 and 16 against the said Advocates Mr.M.Baskaran, Enrol No.1396/2002,

No.45, II Street, Vasantha Nagar, Thiruvottiur, Chennai, Cell No.8124254195 and Mr.M.Lal Bagadur, Enrol No.44/2008, No.16, A, Desia Colony, Perambur, Chennai-600 012, Cell No.9841774737 and the revision petitioner V.Narayanan, S/O.Venkitasamy, No.42/26, 13th Street, Nehru Nagar, Tondiarpet, Chennai – 600 081, under Section 15 of the Contempt of Courts Act, on its own motion and direct the Registry to place the matter before the Division Bench hearing Criminal Contempt for further orders.

27.11.2018

Index : Yes/No
 Internet : Yes/No
 Speaking order / Non speaking order
 mps

To

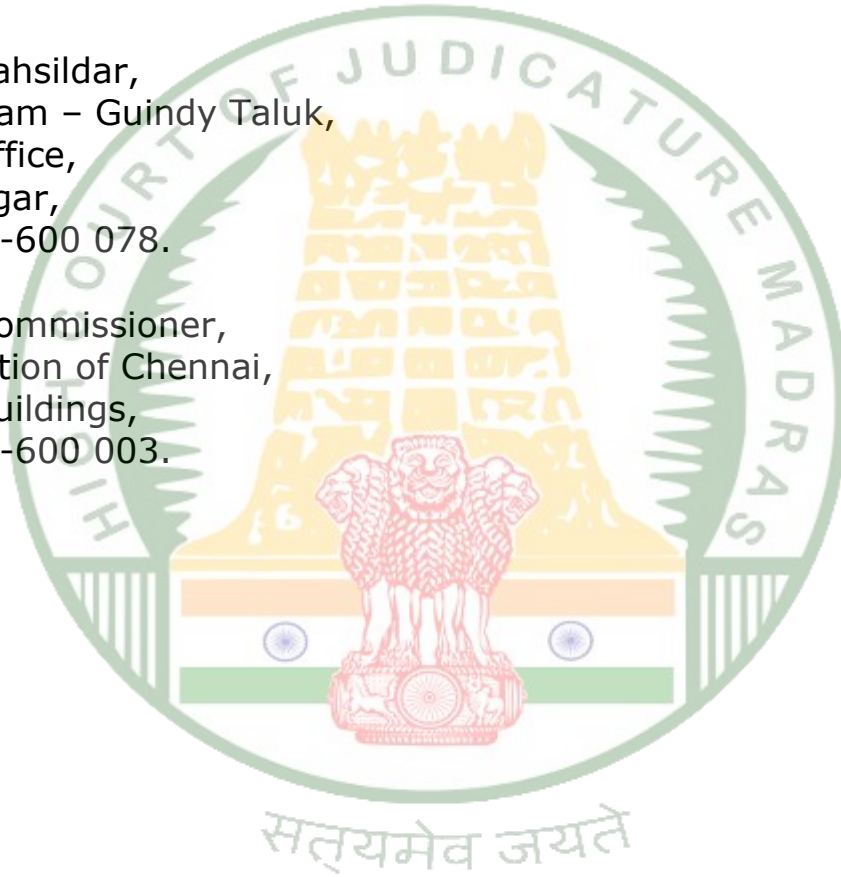
1.The II Additional Judge,
 City Civil Court,
 Chennai.

2.The XVI Assistant Judge,
 City Civil Court,
 Chennai.

3.The District Collector,
Madras District,
Singaravelar Buildings,
Rajaji Salai,
Chennai-600 001.

4.The Tahsildar,
Mambalam – Guindy Taluk,
Taluk Office,
K.K. Nagar,
Chennai-600 078.

5.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai-600 003.



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P.T. ASHA, J,

mps



Pre-Delivery Order in
C.R.P.(PD).No.3867 of 2010

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27.11.2018