

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2018

CORAM :

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

W.P.No.22410 of 2018

J.K.K.Rangammal Charitable Trust,
Rep. by its Managing Trustee,
N.Sendamaraai,
D/o.Late J.K.K.Natarajan,
Kumarapalayam 638 183,
Namakkal District.

... Petitioner

Vs

1. The High Court of Madras,
Rep. by the Registrar General,
High Court,
Chennai - 600 104.

2. The Superintendent of Police,
Namakkal District,
Namakkal.

3. The Inspector of Police,
Kumarapalayam Police Station,
Namakkal District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents 2 and 3 to take action on the petitioner's complaint dated 15.05.2018 relating to the act of forgery and fraudulent creation of bogus orders in the name of the Hon'ble High Court and to protect its right to property.

For Petitioner : Mr.N.Manokaran
For R1 : Mr.Karthick Ranganathan
For R2 & R3 : Mr.C.Raghavan,
Government Advocate (Crl. Side)

O R D E R

The writ petition has been filed to direct the respondents 2 and 3 to take action on the petitioner's complaint dated 15.05.2018, relating to the act of forgery and fraudulent

creation of bogus orders in the name of the Hon'ble High Court of Madras, and to protect the petitioner's right to property.

2. The facts obtaining in this case are indeed disconcerting and disquieting, as they tend to shake the very root of the edifice, on which the Judiciary is built. Shorn of the unnecessary details, it would suffice to state that the petitioner is an unfortunate decree holder, having obtained decrees in O.S.Nos.212, 218 and 223 of 2000 before the District Munsif Court, Thiruchengode, against the defendants namely Muruganandam, Sundaram and Angamuthu, respectively, for eviction. The said defendants lost in the appellate remedies and therefore, the plaintiff, who is the petitioner herein, filed E.P. Nos.14, 17 and 18 of 2014, before the District Munsif Court, Thiruchengode, for eviction and delivery of possession. When the decree holder/petitioner was about to execute the decrees, there was obstruction, after which, the decree holder/petitioner filed applications in the aforesaid E.P.s, to break open the lock and for police aid, and the same were also ordered. When the bailiff went to the place to execute the decrees with police aid on 17.04.2018, the judgment debtors produced the photocopies of three orders purportedly passed by this Court in C.R.P.Nos.1467, 1468 and 1469 of 2018, all dated 12.03.2018, staying the further proceedings in execution of the decrees. Hence, the bailiff returned empty handed, however, submitted his report to the Court, narrating the events and also about the production of the said three orders by the judgment debtors, staying the execution proceedings. However, the enquiry conducted by the decree holder revealed that the said three orders were not passed by this Court, which were supposed to have been passed by Sister Pushpa Sathyanarayana, J., on 12.03.2018. But, on that day, she was not holding the said portfolio at all, whereas, she was looking after the Transfer Civil Miscellaneous Petitions of the Madras High Court, on that day. The decree holder lodged a complaint with the Registry and a preliminary enquiry was conducted, which also showed that the said orders were not passed by Mrs.Pushpa Sathyanarayana, J.

3. On the complaint lodged by the Deputy Registrar (Current Section), through the Registrar General of this Court, the District Crime Branch, Namakkal, registered a case in Crime No.8 of 2018 on 04.09.2018 under Sections 466, 468 and 471 IPC against three accused.

4. The question is, what next ?

5. The learned counsel appearing for the High Court of Madras, the 1st respondent herein, submitted that this Court should not take this matter lightly and should take further

action, including initiation of proceedings under the Contempt of Courts Act, 1971.

6. There appears to be much force in the submission of the learned counsel appearing for the High Court of Madras, since there are prima facie materials to show that criminal contempt has been committed.

7. Hence, this Court directs the Registry to place this matter before the Division Bench, dealing with the criminal contempt matters, after obtaining necessary orders from the Hon'ble Chief Justice, for the Division Bench to proceed with the matter in terms of Section 15(1) r/w. 18(1) of the Contempt of Courts Act, 1971.

8. The Superintendent of Police, Namakkal District, the 2nd respondent herein, is directed to monitor the investigation in DCB Crime No.8 of 2018.

With the above directions, this writ petition stands disposed of. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

mkn

To

1. The Registrar General,
High Court,
Chennai - 600 104.
2. The Superintendent of Police,
Namakkal District,
Namakkal.
3. The Inspector of Police,
Kumarapalayam Police Station,
Namakkal District.
4. The Assistant Registrar (Writ),
High Court, Chennai -104.

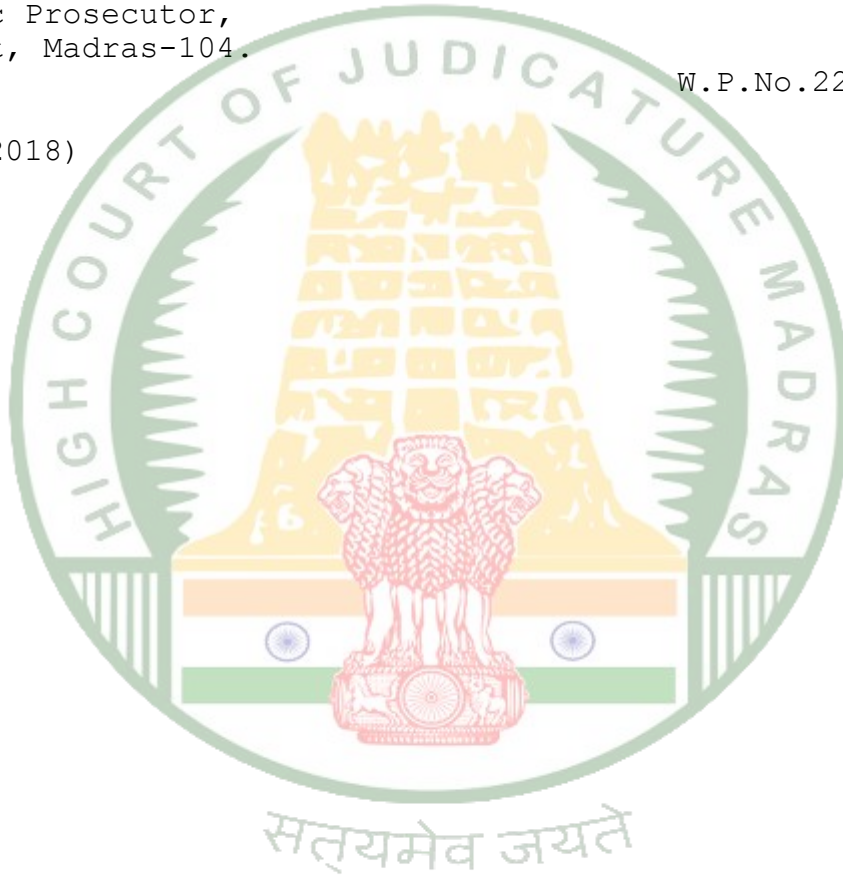
5. The Section Officer,
Criminal Section, High Court,
Madras.
6. The Sub Assistant Registrar (Contempt),
Original Side, High Court, Madras.
7. The Section Officer,
F Section, High Court, Madras.

Copy To

The Public Prosecutor,
High Court, Madras-104.

W.P.No.22410 of 2018

GN(20/09/2018)



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