

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2020

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.Nos.9468 of 2009, 8581 of 2015, 437, 442 & 449 of 2020
and M.P.Nos.1 of 2009 & 1 of 2015

WMP NO.495,497,501,502,507 & 508 of 2020

Mr.K.Boopalan

Rep. by his power agent V.R.Sundher

No.5-A, Red Hills Road,

Villivakkam, Chennai - 600049.

...Petitioner in all Wps

vs.

1. Additional Chief Secretary to Government and
Director of Survey and Settlements,
Chepauk,
Chennai - 600005.
2. The Settlement Officer,
Thanjavur.
3. The Thasildhar,
Perumbur - Purasaiwalkam Taluk,
Perumbur, Chennai - 600011. ... Respondents in WP.No.9468/2009
1. The Chairman,
Chennai Metropolitan Water Supply and Sewerage Board,
1, Pumping Station Road, Chindaripet, Chennai - 600002.
2. Chennai Metropolitan Water Supply and Sewerage Board,
Rep. by its Managing Director,
1, Pumping Station Road, Chindaripet, Chennai - 600002.
3. The Assistant Executive Engineer,
Construction Department,
Chennai Metropolitan Water Supply and Sewerage Board,
Chindaripet, Chennai - 600002.
4. The Commissioner for Land Administration,
Chepauk, Chennai. ... Respondents in WP.No.8581/2015

(R4 suo-motu impleaded as per order dated 23.10.2019 made in
WP.No.8581/2015 by VBDJ)

1. The State of Tamil Nadu,
Rep. by Secretary to Government
(Revenue Department)
Fort Saint George, Chennai - 600009.
2. The Secretary,
Backward Most Backward Classes and Minority Welfare Department,
Fort Saint George, Chennai - 600009.
3. Director of Backward Classes and Minorities Welfare,
Chepauk,
Chennai - 600005.
4. The District Collector of Chennai,
Office of the Collector at Rajaji Salai,
Chennai - 600001.
5. The Commissioner of Land Reforms,
Chepauk, Chennai - 600005.
6. The Tahsildar,
Aynavaram,
Chennai - 600023. ..Respondents in WP.No.437/2020

- 1.The State of Tamil Nadu,
Rep. by Secretary to Government
(Revenue Department)
Fort Saint George, Chennai - 600009.
- 2.The Chairman and Managing Director,
TANGEDCO TNEB/TANRANSCO,
No.144, Anna Salai, Chennai - 600002.
- 3.The District Collector of Chennai,
Office of the Collector at Rajaji Salai,
Chennai - 600001.
- 4.The Commissioner of Land Reforms,
Chepauk, Chennai - 600005.
- 5.The Tahsildar,
Aynavaram,
Chennai - 600023. ..Respondents in WP.No.442/2020

- 1.The State of Tamil Nadu,
Rep. by Secretary to Government
(Revenue Department)
Fort Saint George, Chennai - 600009.

2.The Managing Director,
Chennai Metropolitan Water Supply and Sewerage Board,
Fort Saint George, Chennai - 600009.

3.The District Collector of Chennai,
Office of the Collector at Rajaji Salai,
Chennai - 600001.

4.The Commissioner of Land Reforms,
Chepauk, Chennai - 600005.

5.The Tahsildar,
Aynavaram,
Chennai - 600023. .. Respondents in WP.No.449/2020

Prayer in WP.No.9468/2009 : Writ Petition filed under Article 226 of The Constitution of India praying to issue Writ of Certiorari, calling for the records pertaining to the impugned suo-motu notice in tha.pa.i. 1/15/09 dated 28.04.2009 issued by the Additional Chief Secretary to Government and Director of survey and Settlements, Chepauk, Chennai - 600005, the first respondent herein and to quash the same as illegal.

Prayer in WP.No.8581/2015 : Writ Petition filed under Article 226 of The Constitution of India praying to issue Writ of Mandamus, directing the respondents not to encroach upon the private lands of the petitioner which rightfully belongs to him and direct the respondents to remove the temporary structure put up by them in the petitioners land comprised in Door No.1, Sri Moogambigai street, Chennai - 99. Paimash No.736 and R.S.No.6/8, of Kolathur Village, T.S.No.21, in Block No.2, of Kolathur Village having an extent of 1.70 Acres.

Prayer in WP.No.437/2020 : Writ Petition filed under Article 226 of The Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records of the respondents in G.O.(Ms).No.165 Department LD4(1) department dated 13.04.2015 and to quash the same and direct the respondents not to encroach upon the private lands of the petitioner which rightfully belongs to them comprised in Door No.1, Sri Moogambigai Street, Chennai - 99 and Paimash No.736 and R.S.No.6/8 of Kolathur Village, T.S.No.21 in Block No.2 of Kolathur Village having an extent of 1.70 Acres.

Prayer in WP.No.442/2020 : Writ Petition filed under Article 226 of The Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records of the Ist respondents in G.O.(Ms).No.341 Department LD5(2) department

dated 12.08.2014 and to quash the same and direct the respondents not to encroach upon the private lands of the petitioner which rightfully belongs to them comprised in Door No.1, Sri Moogambigai Street, Chennai - 99 and Paimash No.736 and R.S.No.6/8 of Kolathur Village, T.S.No.21 in Block Acres.

Prayer in WP.No.449/2020 : Writ Petition filed under Article 226 of The Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records of the Ist respondents in G.O.(Ms).No.56 Revenue Department LD5(2) dated 04.02.2016 and to quash the same and direct the respondents not to encroach upon the private lands of the petitioner which rightfully belongs to them comprised in Door No.1, Sri Moogambigai Street, Chennai - 99 and Paimash No.736 and R.S.No.6/8 of Kolathur Village, T.S.No.21 in Block Acres.

For Petitioner : Mr.AR.L.Sundaresan
(Senior Counsel)
(in all WPs) for Mr.S.D.Ramalingam
For Respondents : Mr.N.Ramesh [R1 to R3]
(in WP.No.8581/2015) Mr.R.Govindasamy
Special Government Pleader [R4]

For Respondents
(in WP.No.449/2020): Mr.N.Ramesh [R2]

For Respondents
(in WP.No.442/2020): Mr.N.Ramesh [R2]

O R D E R

All these writ petitions have been filed by V.R.Sundher claiming to be Power Agent of Mr.K.Boopalan. Interim orders were also obtained in W.P.No.9468 of 2009 and W.P.No.8581 of 2015. Interim orders have been acting adverse to the respondents. During the course of hearing of all these writ petitions along with the connected writ petitions namely W.P.No.13277 of 2019 and 13282 of 2019, it was alleged that the said K.Boopalan is a fictitious person. This Court directed the presence of K.Boopalan. This doubt arose in the mind of the Court because even in the year 2020, three writ petitions have been filed by K.Boopalan through his Power Agent V.R.Sundher.

2. The Inspector of Police, Law & Order, K.3 Amin Jikarai Police Station was directed to verify the whereabouts of K.Bopalan by making a personal visit to the address given in the writ petition.

3. A Status Report was filed by the Inspector of Police, Law & Order, K.3 Amin Jikarai Police Station, Greater Chennai

Police, as follows:

"I respectfully submit that as the direction of this Hon'ble High Court of Madras while hearing the above writ petition on 25.02.2020, I have personally checked the address of the petitioner Thiru K.Boopalan, No.28, G.N.Street, Aminjikarai, Chennai - 29. My enquiry revealed that there is no such Street in Aminjikarai area. My enquiry about the petitioner Thiru K.Boopalan, S/o.Late Kumar has not yielded any useful information. I have visited the Zonal Post Office and requested the Post Master to inform the correct location of the said G.N.Street in Aminjikarai area and his report is no such address in this name of G.N.Street is at Aminjikarai, Chennai - 29.

I am giving a separate requisition to the Tahsildar, Ayyanavaram to verify and confirm the name and address of the petitioner Thiru K.Boopalan, S/o.Late Kumar."

4. In the meanwhile, V.R.Sundher, Power Agent was directed to file an affidavit confirming that his agency with K.Boopalan was still in force. He filed an affidavit. In the affidavit, he had stated as follows:

"1.I humbly submit I am the Bonafide Power of Attorney holder of the petitioner herein having duly obtained the power of attorney dated 26.09.1997 registered as document No.1257 of 1997 before the SRO Anna Nagar from the petitioner and have been attending to matters relating to the property in dispute and as such I am well acquainted with the facts of the case.

2.I humbly submit that after obtaining the power of attorney on a bonafide intention I had filed the above writ petitions to safe guard the interest of the principal and his property on the belief that the said power was in force, and had also instructed my counsel that the said power is in force.

3.I submit that now on enquiry I was not able to find the principal Boopalan in the said address mentioned in the power of attorney. It was a big shock to me, all my efforts for the past two days to find his whereabouts was not successful, and I am still in the process of finding him.

4.I submit that the writ petitions were filed only on the sole bonafide belief that he is available and alive, and not otherwise. I have not done any act knowingly or with an intention to mislead this Court.

5.In view of the above I hereby tender my sincere unconditional apology and regret for any of my act which is done without my proper knowledge.

6.Hence, I hereby plead before this Court to consider my unconditional apology and pardon me and permit me to withdraw the writ petitions."

5. It is seen that in paragraph No.2, he claims himself as a Bonafide Power of Attorney Holder. It is clear that the power Agent V.R.Sundher, S/o.P.K.V.Raghavan, No.5-A, Red Hills Road, Villivakkam, Chennai - 600 049, had played a fraud on the Court by claiming to be Power of Attorney Agent of a fictitious person and by giving fictitious address and had also obtained interim orders by this Court in the year 2009 and again in the year 2015, which interim orders have been continuing till this date and he also filed further writ petitions in the year 2020. Now he claim innocence and ignorance about his principal, as a fictitious person and had given a fictitious address for K.Boopalan. The said agent seeks indulgence of this Court. However, the indulgence cannot be granted.

6. It is clear that V.R.Sundher had taken advantage of the Court proceedings and had filed the writ petitions and played fraud with the Court and had destroyed judicial sanctity.

7. Consequently, I direct the Registry to issue notice for criminal contempt for appearance of V.R.Sundher, S/o. Mr.P.K.V.Raghavan, No.5-A, Red Hills Road, Villivakkam, Chennai - 600 049, and also for appearance of K.Boopalan, S/o.Late Mr.Kumar, No.28, G.N.Street, Aminjikarai, Chennai - 29. I am issuing Criminal Contempt knowing fully well the matter will be heard taken by a Division Bench since as referred earlier in the order a fraud has been played by this Court from 2009 till this year.

8. Statutory Notice for Criminal Contempt to be issued to K.Boopalan and his Power of Attorney agent V.R.Sundher for appearance before the Court on 30.03.2020.

9. In view of these facts, writ petitions in W.P.Nos.9468 of 2009, 8581 of 2015, 437, 442 & 449 of 2020 filed by the Power of Attorney Agent on behalf of the fictitious person by giving a fictitious address, writ petitions are dismissed, a cost of Rs.1,00,000/-, is imposed on V.R.Sundher, to be paid to the Chief Justice Relief Fund on or before 13.03.2020. If he does not pay the cost on or before 13.03.2020, then the Collector, Chennai, may recover the cost through Revenue Recovery Act. Since the writ petitions are dismissed, more specifically, interim orders granted earlier will stand vacated and all the connected miscellaneous petitions are also dismissed.

11. The writ petition in W.P.Nos.13277 of 2019 and 13282 of 2019, petitioner is permitted to get the copy of this order on payment of charges.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Additional Chief Secretary to Government and Director of Survey and Settlements, Chepauk, Chennai - 600005.
2. The Settlement Officer, Thanjavur.
3. The Thasildhar, Perumbur - Purasaiwalkam Taluk, Perumbur, Chennai - 600011.
4. The Chairman, Chennai Metropolitan Water Supply and Sewerage Board, 1, Pumping Station Road, Chindaripet, Chennai - 600002.
5. The Managing Director Chennai Metropolitan Water Supply and Sewerage Board, 1, Pumping Station Road, Chindaripet, Chennai - 600002.
6. The Assistant Executive Engineer, Construction Department, Chennai Metropolitan Water Supply and Sewerage Board, Chindaripet, Chennai - 600002.
7. The Secretary to Government The State of Tamil Nadu, (Revenue Department) Fort Saint George, Chennai - 600009.
8. The Secretary, Backward Most Backward Classes and Minority Welfare Department, Fort Saint George, Chennai - 600009.
9. The Director of Backward Classes and Minorities Welfare, Chepauk, Chennai - 600005.

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TANGEDCO TNEB/TANRANSCO,
No.144, Anna Salai, Chennai - 600002.
 14. The Managing Director,
Chennai Metropolitan Water Supply and Sewerage Board,
Fort Saint George, Chennai - 600009.
 15. The Section Officer,
Contempt Section, High Court, Madras
 16. The Section Officer,
Account Section, High Court, Madras
- +1cc to Mr.S.D.Ramalingam, Advocate in SR.NO..17480
+2cc to Mr.R.Loganathan, Advocate in SR.NO. 17539

W.P.Nos.9468 of 2009, 8581 of 2015, 437, 442 & 449 of 2020

nrjk(co)
rv(29/9/2020)

सत्यमेव जयते

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