



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P. No. 11317 of 2021
and
W.M.P. No. 11960 of 2021

Uma Ramanathan

...Petitioner

Vs.

1. The Commissioner
Greater Chennai Corporation
Chennai - 600 003.
2. The Assistant Executive Engineer
Unit -44, Greater Corporation of Chennai
Chennai - 600 003.
3. The Commissioner of Police,
No.132, Office of Commissioner of Police,
EVK Sampath Road, Vepery,
Periyamet,
Chennai - 600 007.

...Respondents

(R3 Suo Motto impleaded vide order
dated 22.06.2021 made in W.P.No.11317 of 2021)

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records of the Second Respondent in Notice No. Div/192/0001/2021, dated 19.04.2021 and quash the same.

For Petitioner : Mr. B.Kumarasamy

For Respondents : Mr. K.Raja Srinivas
(For R1 & R2)

Mrs. R.Anitha (For R3)
State Government Counsel



ORDER

(Order of the Court was passed by N.KIRUBAKARAN, J)

The Writ Petition has been filed challenging the order passed by the Second Respondent dated 19.04.2021, by which the Second Respondent directed the owner to give the approved plan, as there was no approved plan available at the construction site.

2. During the earlier hearing when the Learned Counsel for the Petitioner wanted to withdraw the Writ Petition, Learned Counsel representing on behalf of the Official Respondents opposed by stating that Mrs.Uma Ramanathan had not signed the Writ Petition and the signature of the Writ Petitioner had been forged by the third parties and orders have been obtained by them.

3. To a query raised by this Court Mr. B.Kumarasamy, Learned Counsel on record for the Petitioner submitted that one Mr. M.Ravichandran only got signature in the Affidavit filed along with Writ Petition from the Petitioner, and returned the same to him. On bonafide belief, Learned Counsel on record for the Petitioner has filed this Writ Petition. In view of that, this Court directed Mr. M.Ravichandran to be present before this Court through video conference today.

4. When the matter is called today, Mr. M.Ravichandran is also present before this Court through video conferencing, and he submitted that he only prepared the case papers and handed it over to one Mr. B.Mohan Babu, who is said to have got signature in the Affidavit filed in support of this Writ Petition from the land owner/Writ Petitioner, viz., Mrs. Uma Ramanathan, and thereafter, only the Writ Petition has been filed. Therefore, this Court directed the Learned Counsel for the Petitioner to inform the Petitioner to appear before this Court through video conferencing. In this regard, Mr. B.Kumarasamy, Learned Counsel for the Petitioner sought two weeks time.

5. At this juncture, Mrs.Uma Ramanathan, who has been shown as the Petitioner in this Writ Petition, is present before through video conferencing and her Counsel Mr. Raghavendar, of M/s.Dhuvaa Associates represented that the Petitioner, viz., Mrs. Uma Ramanathan has not signed any paper/Affidavit filed in this Writ Petition before this Court. Therefore, it is a very clear case of forgery, which has been committed by certain people.

6. By filing this Writ Petition, it is very unfortunate to note that the Constitutional Court is being used for the reasons best known to them, violating the rights of the actual owner,



who has been kept in dark. Therefore, this Court, suo motu, impleads

The Commissioner of Police,
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Chennai - 600 007

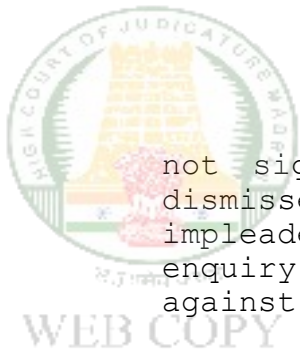
as Respondent in this Writ Petition and Mrs. R.Anitha, Learned State Government Counsel takes notice for the newly impleaded Respondent.

7. Taking into consideration that the aforesaid statement made by Mrs. Uma Ramanathan, who appeared before this Court through video conferencing, this Court directs the newly impleaded Respondent /Commissioner of Police, Veppery, Chennai-7 to appoint an appropriate officer to investigate the issue, so as to find the persons, who are behind this forgery and other connected acts done by the persons and take action against them in accordance with law.

8. With the above, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

9. It is seen from the Affidavit that one Mr. Gopalakrishnan has attested the alleged affidavit of Mrs. Uma Ramanathan. When the same was questioned by this Court, Mr. Gopalakrishnan apologized before this Court stating that he believed Mr. M.Ravichandran, Learned Counsel who prepared the Affidavit and the junior Counsel, who is hardly standing in the Bar for 5 years, has signed the Affidavit. It seems he acted bonafidely based on the representation made by Mr. M.Ravichandran. Therefore, this Court do not find any fault with Mr. Gopalakrishnan. However, this Court warns Mr. Gopalakrishnan to be very careful while attesting affidavits, because many Affidavits are attested by the Advocates without seeing the deponents and many cases are misused and this is one among the Writ Petition, which surfaced before this Court and therefore, all the Advocates, especially, junior Advocates should be careful while attesting Affidavits and they must be convinced with the persons, who is signing the affidavits, the actual deponent puts signature before him, otherwise they will land before Bar Council of Tamil Nadu. With that this Court warns Mr. Gopalakrishnan and finds that he is innocent.

10. Since Mrs.Uma Ramanathan, who appeared before this Court through video conferencing represented by Mr. Ragavendar of M/s. Dhuaa Associates, Learned Counsel for her, asserted that she has



not signed the Writ Petition and the same is liable to be dismissed, all the documents be transferred to the newly impleaded Respondent /Commissioner of Police, for conducting enquiry in order to find culprit and take criminal action against them.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

Maya

Note: Registry is directed to carry out
necessary amendment in the Writ
Petition.

To

1. The Commissioner
Greater Chennai Corporation
Chennai - 600 003.
2. The Assistant Executive Engineer
Unit -44, Greater Corporation of Chennai
Chennai - 600 003.
3. The Commissioner of Police,
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EVK Sampath Road, Vepery,
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Chennai - 600 007.

+1cc to Mr.B.Kumarasamy, Advocate, S.R.No.28845

+1cc to the Government Pleader, High Court, Madras, S.R.No.29021

W.P. No. 11317 of 2021

AK-II(CO)
RGA(09/08/2021)