



C.R.P.No.1781 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.1781 of 2024

Lalitha Balasubramanian

... Petitioner

Vs.

1.J.Bhuvaneswari

2.J.Anju

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Subordinate Judge, Poonamallee to further proceed with O.S.No.111 of 2023 along with connected batch cases and consequently direct the Subordinate Judge, Poonamallee to dispose of the Batch of Cases viz., O.S.Nos.77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114 of 2023 pending on the file of the Sub Court, Poonamallee within the time frame that may be fixed by this Court.

For Petitioner : Mr.G.Selvi George

For Respondents : No Appearance



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ORDER

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This civil revision petition has been filed to direct the learned Subordinate Judge, Poonamallee to proceed with O.S.No.111 of 2023 along with connected batch cases viz., O.S.Nos.77, 78, 79, 80, 81, 82, 83, 84, 86, 86, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114 of 2023 and dispose of the same as expeditiously as possible.

2.As per order of this Court on 29.04.2024, private notice taken by the learned counsel for the petitioner and the same was refused by the respondent and returned. Proof of the same produced.

3.This by order, dated 29.04.2024 had passed the following order:

“The petitioner/plaintiff filed this civil revision petition seeking direction to the learned Subordinate Judge, Poonamallee to dispose of the suit in O.S.No.111 of 2023 within a time frame and consequently direct the learned Subordinate Judge, Poonamallee to dispose of batch of cases in O.S.Nos.77 to 86, 89 to 98, 105 to 114 of 2023.



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2.The learned counsel for the petitioner submitted that the suit in O.S.No.111 of 2023 is filed to declare the petitioner/plaintiff is the absolute owner of the property to the extent of 382 sq.ft of undivided share out of 14,162 sq.ft instead of 279 sq.ft undivided share out of 14,162 sq.ft stated in the sale deed in document No.1275 of 1991. She further submitted that the respondents constructed a multi storied building of 16 single and 14 two bedroom apartments in different sizes and applied for planning permission from MMDA (Madras Metropolitan Development Authority) in the year 1990. Thereafter, the construction put up and the petitioner purchased UDS by way of document No.1275 of 1991, dated 10.04.1991. Likewise the other purchasers also purchased the property from the respondents. Since the building is under dilapidated condition, all owners of the flat decided to demolish and for reconstruction. At this juncture, on verification, it came to know that in the sale deed, undivided share wrongly mentioned as 279 sq.ft instead of 382 sq.ft. To rectify the mistake, all owners filed batch of suits as stated above.

3.The learned counsel further submitted that in this case, the respondent agreed the mistake committed and assured they have no objection to rectify the mistake crept in



the sale deeds. Despite receipt of summons failed to appear before the Court below and hence, they were set exparte. Thereafter, evidence recorded, arguments heard and suits posted for judgment as early as on 24.07.2023 and thereafter, it was periodically adjourned and the petitioner was awaiting judgment. To the shock of the petitioner, it was seen that on 12.02.2024, the learned Trial Judge recorded in the adjudication that “No Representation call on 19.06.2024. Letter addressed to Honourable PDJ for suo motu transfer of the batch cases D.No.102/2024, dated 12.02.2023. Call on 19.06.2024.” The petitioner as well as other purchasers not aware for what reason the learned Trial Judge addressed the Principal District Judge seeking suo motu transfer of suits.

4.It is learnt that some anonymous letter making allegation against the Presiding Officer received, for that reason suo motu request made by the Trial Judge, is not proper. Further, Advocates from the local Bar were not happy that the petitioner and other purchasers filed suit with the service of Advocates from outside.

5.Considering the submissions and on perusal of materials, it is seen that false anonymous letter making allegations is bound to be there in such situation. At the



stage of pronouncement of judgment, if such anonymous letters are taken note and the suits are transferred, then no case can reach its logical end. The Presiding Officer ought to have ignored such anonymous letter. If required, enquiry may be conducted. But request to transfer the suits suo motu to other Court might not be proper and it would cause further delay. Now the building is in dilapidated condition. After correction of UDS in the sale deed, demolition and reconstruction work to be carried out immediately. Otherwise, danger to the life and property might occur and great prejudice would be caused to the petitioner and other purchasers who filed identical suit in O.S.Nos.77 to 86, 89 to 98, 105 to 114 of 2023.

6.In view of the above, the learned Subordinate Judge, Poonamalle and the learned Principal District Judge, Thiruvallur are directed to send a report by 12.06.2024 with regard to D.No.102 of 2024, dated 12.02.2024.

7.Notice to the respondent returnable on 12.06.2024. Private notice is also permitted. Post the matter on 12.06.2024.”



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4.In continuation and conjunction to the above order, this Court is passing the following order.

5.The Principal District and Sessions Judge, Thiruvallur forwarded the report of the Subordinate Judge, Poonamalee to this Court vide D.No.5108/A/2024, dated 04.06.2024. The report of the Subordinate Judge, Poonamalee is as follows:

“In obedience to the official Memorandum under reference 6 cited above, I submit that 30 cases in a batch was filed on 21.04.2023 and on another subsequent date and the first hearing was on 03.07.2023 and 05.07.2023. On 23.08.2024, D1 and D2 were set exparte, as they have not claimed the summons. Accordingly the cases were adjourned to 04.09.2023 for exparte evidence. On 4.9.2023 though it was a boycott, some counsels appeared in robes and represented their cases. Counsel Ms.Selvi George, had appeared in her robes and represented that she is ready in the batch matter, for exparte evidence. Exparte evidence was thus taken in the cases and the cases were adjourned for



marking of documents on 04.11.2023. When Plaintiff's were present and were duly represented by their counsel, I had taken up their cases for hearing and cannot adjourn the cases, just because some advocates were boycotting courts.

2) I further submit that I had received the memorandum from the Hon'ble PDJ under reference I cited above calling upon me to submit my remarks on the bald allegations of alleged bribery. I had submitted my remarks vide my reply dated 12.2.2024 in D.No.102 of 2024 and had sought for Suo motto transfer of the cases and the cases now stand adjourned to 15.6.2024, awaiting orders from the Hon'ble Principal District Judge, Thiruvallur.

3) I humbly submit that I had joined Judicial service on 11.10.2012 and have worked with utmost sincerity, honesty, integrity, probity and dedication. The memorandum of the Principal District Judge, issued on the basis of a bald petition without particulars of the addressor, and intended to tarnish my image, had disturbed me morally and hence I had addressed the Principal District Judge, for transfer of the cases.

4) I enclose herewith the 'A' diary extract in O.S.No.77 to 86, 89 to 98, 105 to 114 of 2023 on the file of Sub Court, Poonamallee from 24.07.2023 as called for under reference 6 cited above, for the kind consideration of your Honour.”



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6.From the report extracted above, it is seen that anonymous complaint against the Subordinate Judge, Poonamallee sent to the Principal District and Sessions Judge, Thiruvallur by some disgruntled Advocates who are envious on the petitioner counsel coming from Chennai and handling 20 cases. On the date of Boycott *i.e.*, on 4th September, 2023, exparte evidence recorded in presence of Ms.Selvi George, the learned counsel for the plaintiff. Already defendants set exparte. Not only Ms.Selvi George, other Counsels also appeared despite the Boycott which appears to have triggered the issue, hence, anonymous complaint sent to the Principal District and Sessions Judge, Thiruvallur and Additional District Judge, Poonamallee. This unsigned anonymous letter in the name of Advocate in Poonamallee Court ought to have been ignored and consigned to dustbin. But in fairness, the Principal District and Sessions Judge, Thiruvallur called for report from the Subordinate Judge, Poonamallee which triggered the consciousness of the Presiding Officer, got disturbed and suffered mentally. The Presiding Officer worked with utmost probity, integrity and honesty. She immediately



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refrained from further hearing the cases and sent a request to the Principal District and Sessions Judge, Thiruvallur to transfer the cases to some other Court. In such circumstances, now the present revision has been filed.

7.The learned counsel for the petitioner submitted that the cases can be transferred to the file of the Subordinate Court, Thiruvotriyur and the same can be completed without delay. Already D1 and D2 set exparte. The relief sought for by the petitioner is urgent since the building is in dilapidated condition. Added to it, the rainy season will start shortly, due to which there are chances of building collapse. The safety of inmates is at peril.

8.In view of the above, this Court withdraws the suit in O.S.No.111 of 2023 and connected batch cases viz., O.S.Nos.77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114 of 2023 from the file of the Subordinate Court, Poonamallee and transfers the same to the file of the Subordinate Court, Thiruvotriyur. The learned Subordinate Judge, Thiruvotriyur is directed to



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complete the trial in above said batch cases within a period of two months
from the date of receipt of the case bundles.

9. With the above directions, this civil revision petition stands disposed
of. No costs.

19.06.2024

Speaking Order/Non Speaking Order

Index : Yes/No

Internet : Yes

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Note: Issue Order Copy on 20.06.2024.

To

1. The Subordinate Judge,
Poonamallee.

2. The Subordinate Judge,
Thiruvotriyur.



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M.NIRMAL KUMAR, J.

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