

FORUM FOR JUDICIAL ACCOUNTABILITY

Room No.2, I Floor, 45 Armenian Street, Chennai-600 001.
Ph : 044-25224597, Email – forjudact@gmail.com

22nd October 2009

To

Hon'ble Mr. Justice K.G. Balakrishnan,
The Chief Justice of India

Hon'ble Mr. Justice S.H. Kapadia

Hon'ble Mr. Justice Tarun Chatterjee

Hon'ble Mr. Justice Altamas Kabir

Hon'ble Mr. Justice R.V.Raveendran

Supreme Court of India,
New Delhi.

Sirs,

Sub: Details of more acquisitions and improper
judicial conduct of Justice P.D.Dinakaran.

Ref: Our representations dated 09.09.09, 17.09.09,
and 01.10.09.

Further to our earlier representations, information about acquisition of more properties by and improper judicial conduct of Mr. Justice P.D.Dinakaran in another case, has come to our knowledge. Additional information regarding the Housing Board allotments and the property at Ooty referred to in our 3rd representation dated 1.10.2009 is also furnished.

I. Two more Housing plots from Tamil Nadu Housing Board in favour of Dr. (Mrs.) Vinodhini Dinakaran

We had set out in our representation dated 1.10.2009 as to how three plots were obtained in the year 2005 by Dr. (Mrs.) Vinodhini Dinakaran and the two daughters of Mr. Justice P.D.Dinakaran in violation of the one plot per family norm, which has been uniformly followed by the Housing Board, since its housing schemes are meant to cater to those without any other residential accommodation.

Convenor: R.Vaigai, Advocate

FORUM FOR JUDICIAL ACCOUNTABILITY

Room No.2, I Floor, 45 Armenian Street, Chennai-600 001.

Ph : 044-25224597, Email – forjudact@gmail.com

:: 2 ::

In addition to the aforesaid 3 plots, Dr. (Mrs.) Vinodhini Dinakaran was also allotted Plot No. HIG II/39 and Plot No. HIG II/40 by the Tamil Nadu Housing Board and the sale deeds were executed on 1.9.2005, the same date when the sale deeds for the 3 plots referred to earlier were executed. The information regarding the additional 2 plots are as follows:

Name of Scheme: Sholinganallur Village Neighbourhood Scheme Phase III, Tambaram Circle, Kancheepuram District.

Plot No. and Area of plot	Seller	Buyer	Sale Deed No. & Date	Sub Registrar Office	Cost.
HIG II/39 395.85 sq.mts.	Tamil Nadu Housing Board	Dr.(Mrs.) Vinodhini Dinakaran	5044 dt.1.9.2005	Neelankarai	13,67,267/-
HIG II/40 395.85 sq.mts.	-do-	-do-	5045 dt.1.9.2005	-do-	13,67,267/-

Thus in all Mr. Justice P.D.Dinakaran managed to have 5 housing plots Nos. HIG II/25, 39, 40, 43 & 44 allotted to his wife and daughters, in total violation of the Rules of the public body and against public interest. It has to be noted that the plots are allotted abutting wide roads, which enable future use for commercial purposes.

II. Property in Ooty in The Nilgiris District, Tamil Nadu

Prime property:

In our representation dated 1.10.2009, it was mentioned that 4.5 acres of property in survey No.4813/C with a bungalow was purchased recently on 28.8.2009 in the name of Mrs. Paripoornam, mother-in law of Mr. Justice P.D.Dinakaran. It has to be pointed out that the property was undervalued at Rs. 33,75,100/-, whereas under the Government guidelines, the value of land in Survey No. 4813/C is Rs. 150 sq.ft., which works out to nearly Rs. 3 crores for 4.5 acres. We now understand that the gross under

FORUM FOR JUDICIAL ACCOUNTABILITY

Room No.2, I Floor, 45 Armenian Street, Chennai-600 001.

Ph : 044-25224597, Email – forjudact@gmail.com

:: 3 ::

valuation of the property has been sought to be justified by showing the land abutting to bungalow bungalow as agricultural land. This is contrary to the classification made by the Government for the said property as Residential Area Class III. It has to be noted that the property stands in the heart of Ooty at Golf Link Road.

Source of Funds:

It is significant that the sale consideration of Rs. 33,75,100/- was paid in the following manner as per the Sale Deed dated 28.8.2009:

S.No.	Bank Name	Demand Draft No.	Date	Amount Rs.
1.	Bank of Baroda, M.G. Road Branch, Bangalore 560 001	125536	28.8.2009	9,00,000
2.	-do-	125537	28.8.2009	9,00,000
3.	-do-	125538	28.8.2009	9,00,000
4.	-do-	125539	28.8.2009	6,75,100
			Total	33,75,100

We had earlier pointed out that the purchaser, Mrs. Paripoornam is the mother-in-law of Mr. Justice P.D.Dinakaran, a retired Headmistress and pensioner of about 80 years of age and is not known to have financial resources to support such a huge investment. The fact that the Demand Drafts towards the sale consideration for purchase of Ooty property were all obtained from a Bank in Bangalore, where Justice P.D. Dinakaran was and is the Chief Justice of Karnataka, cannot be dismissed as a mere coincidence and provides a lead to the source of funds and the real owner of the property.

3. Information on funds for the Housing Board Plots:

For the 5 plots purchased from the Tamil Nadu Housing Board, the sale considerations were paid in the following manner as shown in the Sale Deeds:

FORUM FOR JUDICIAL ACCOUNTABILITY

Room No.2, I Floor, 45 Armenian Street, Chennai-600 001.

Ph : 044-25224597, Email – forjudact@gmail.com

:: 4 ::

Sholinganallur Village Neighbourhood Scheme

(a) For Plot No.HIGII/39

Sale Deed No. 5044 of 1.9.2005 Land Extent : 395.85 sq.m.

Purchased in the name of : Dr. (Mrs) Vinodhini Dinakaran

S.No.	Bank Name	D.D./Cheque No.	Date	Amount Rs.
1.	Bank of Baroda,	594247	28.5.2002	30,765.00
2.	Indian Overseas Bank	803568	28.5.2002	90,000
3.	Bank of Baroda	594352	18.6.2002	6,84,335
4.	Bank of Baroda	594805	1.8.2002	1,51,000
5.	Bank of Baroda	499387/88	22.3.2005	4,11,167
			Total	13,67,267

(b) For Plot No.HIGII/40

Sale Deed No. 5045 of 1.9.2005 Land Extent : 395.85 sq.m.

Purchased in the name of : Dr. (Mrs) Vinodhini Dinakaran

S.No.	Bank Name	D.D./Cheque No.	Date	Amount Rs.
1.	Bank of Baroda,	594248	28.5.2002	30,765.00
2.	Indian Overseas Bank	803569	28.5.2002	90,000
3.	Bank of Baroda	594352	18.6.2002	6,84,335
4.	Bank of Baroda	594805	1.8.2002	1,51,000
5.	Bank of Baroda	499387/88	22.3.2005	4,11,167
			Total	13,67,267

Convenor: R.Vaigai, Advocate

FORUM FOR JUDICIAL ACCOUNTABILITY

Room No.2, I Floor, 45 Armenian Street, Chennai-600 001.

Ph : 044-25224597, Email – forjudact@gmail.com

:: 5 ::

The aforesaid details are obtained from the certified copies of the sale-deeds and the fact that the last three DDs / Cheques in the sale deeds for Plot Nos. 39 & 40 are identical needs further probe.

(c) For Plot No : HIG II/25

Sale Deed No. 5046 of 1.9.2005 Land Extent : 360 sq.m.

Purchased in the name of : Dr. (Mrs) Vinodhini Dinakaran

S.No	Name of Bank	D.D./Cheque No.	Date	Amount
1.	State Bank of India	467422	28.05.2002	48615.00
2.	State Bank of India	467423	28.05.2002	48000.00
3.	Indian Overseas Bank	804104	18.06.2002	547485.00
4.	Indian Overseas Bank	805465	31.07.2002	161025.00
5.	Bank of Baroda		31.03.2005	346155.00
			Total	1151280.00

(d) For Plot No : HIG II/43

Sale Deed No. 5048 of 1.9.2005 Land Extent : 336 sq.m.

Purchased in the name of : James Kuppusamy

S.No	Name of Bank	D.D/Chq.No.	Date	Amount
1.	Bank of Baroda	594250	28.05.2002	48307.00
2.	Bank of Baroda	594251	28.05.2002	48308.00
3.	Bank of Baroda	594351	18.06.2002	547485.00
4.	Bank of Baroda	498848	28.12.2004	215724.00
			Total	859824.00

Convenor: R.Vaigai, Advocate

FORUM FOR JUDICIAL ACCOUNTABILITY

Room No.2, I Floor, 45 Armenian Street, Chennai-600 001.

Ph : 044-25224597, Email – forjudact@gmail.com

:: 6 ::

(e) For Plot No: HIG II/44

Sale Deed No. 5047 of 1.9.2005 Land Extent : 336 sq.m.

Purchased in the name of : M.G. Paripoornam

S.No	Name of Bank	D.D/Chq.No.	Date	Amount
1.	Bank of Baroda	594249	28.05.2002	48307.00
2.	Bank of Baroda	594252	28.05.2002	48308.00
3.	Bank of Baroda	594353	18.06.2002	547485.00
4.	Bank of Baroda	498847	28.12.2004	215724.00
			Total	859824.00

The aforesaid information may provide the necessary leads to find out the source of funds.

4. Another case of improper judicial conduct

Contrary to accepted norms of judicial conduct that a Judge shall not hear any matter to which a person close to him is a party, as otherwise it erodes the confidence of the public in the impartiality of the judicial system, Justice P.D.Dinakaran heard W.P. No. 39838 of 2005 in the Madras High Court and passed certain questionable orders.

W.P.No. 39838 of 2005 was filed in the Madras High Court by a Pentecostal Mission seeking a Writ of Mandamus, restraining Police authorities from interfering with the peaceful possession of its property near Chennai. Initially interim injunction was granted by Hon'ble Mr. Justice C. Nagappan.

One Anandhi Murthy, wife of Karuna Murthy, resident of 532, Cumber Avenue, North York, Oterio, M-2-K-2 MI, Canada contested the title of the Pentecostal Mission to the property and filed a petition to be impleaded in the Writ Petition. By an order dated 19.8.2006, Justice P.D.Dinakaran allowed the said Anandi Murthy to be impleaded.

FORUM FOR JUDICIAL ACCOUNTABILITY

Room No.2, I Floor, 45 Armenian Street, Chennai-600 001.

Ph : 044-25224597, Email – forjudact@gmail.com

:: 7 ::

Not stopping with that, Mr. Justice P.D.Dinakaran continued to pass extraordinary orders on 6.9.2006, 20.9.2006 and other dates recording that the writ petitioner and his Senior Counsel conceded that the averments in writ petition were false and passed other orders. According to the averments of the writ petitioner in his appeal, viz. W.A.No. 1329 of 2006, no such concession was made and that they had in fact wanted to withdraw the writ petition and approach the Civil Court. Yet, Mr. Justice P.D.Dinakaran continued to hear the matter and pass highly questionable orders.

We do not wish to comment on the merits or demerits of the claim of the petitioner or the claim of Anandi Murthy.

It is reliably learnt that Mr. Justice P.D.Dinakaran had earlier enjoyed the hospitality of the said Anandhi Murthy and her husband Karuna Murthy. In fact, just a year before the said writ petition was filed, in the year 2004, Mr. Justice P.D. Dinakaran, his wife and two daughters visited Canada en-route to the U.S.A. for admission of daughter Amudha Porkodi in Suny College of Technology at the Utica, New York State, U.S.A. Mr. Justice P.D. Dinakaran and his family stayed with Anandhi Murthy and Karuna Murthy in Canada between 11th to 15th August 2004. Later, it is learnt that the said Anandhi Murthy and Karuna Murthy actually joined the Dinakarans at Utica, U.S.A. at the time of Amudha Porkodi's admission to College.

Mr. Justice P.D. Dinakaran thus had a close connection with one of the parties to the case and despite that continued to hear the case, violating the accepted code of judicial conduct as enunciated in the **Bangalore Principles**. Value 2 of the said Principles under the Chapter "Impartiality" reads as follows:

- 2.1. A judge shall perform his or her judicial duties without favour, bias or prejudice.....

FORUM FOR JUDICIAL ACCOUNTABILITY

Room No.2, I Floor, 45 Armenian Street, Chennai-600 001.

Ph : 044-25224597, Email – forjudact@gmail.com

:: 8 ::

- 2.5. A judge shall disqualify himself or herself from participating in any proceedings in which the judge is unable to decide the matter impartially **or in which it may appear to a reasonable observer that the judge is unable to decide the matter impartially.**

The aforesaid principles are not laid down merely for the benefit of the parties to the case, who will have a remedy on review or appeal. However, the code of judicial conduct is meant to preserve the image of the judiciary as an impartial mechanism and it is this image Justice P.D.Dinakaran lowered by his conduct. It is this conduct, which calls for scrutiny and condemnation.

The information so far provided by us coupled with the Report submitted by the District Collector, Thiruvallur District, as widely reported in the newspapers, show that Justice P.D. Dinakaran is guilty of not only judicial misconduct but also of various offences under the Criminal Laws of the country, including Prevention of Corruption Act, 1947. Mr. Justice P.D. Dinakaran's continuation in the judicial system jeopardizes the integrity of the entire judicial system and in order to prevent any further damage, the precedent laid down by the Supreme Court in the case of Justice V. Ramaswami ought to be followed and Mr. Justice P.D. Dinakaran should not be permitted to function now.

We are convinced that the information forwarded by us regarding Justice P.D.Dinakaran's actions while holding office as a Judge of a high Court are sufficiently supported by documents furnished so far. The acts of appropriating public property, amassing assets disproportionate to known sources of income & the questionable judicial orders showing bias and malafides are of such gravity that they cannot brook any further delay in setting the regular course of criminal investigation in motion and immediate attachment of his assets.

FORUM FOR JUDICIAL ACCOUNTABILITY

Room No.2, I Floor, 45 Armenian Street, Chennai-600 001.

Ph : 044-25224597, Email – forjudact@gmail.com

:: 9 ::

When any Officer high or low in the executive commits any offence, it is the administrative head or the police who initiate action for setting the process of criminal investigation and prosecution in motion. The Supreme Court of India, in order to protect the independence of judiciary has held in K. Veeraswami –vs- Union of India {1991(3) SCC p.655} that it is the Hon'ble Chief Justice of India, who has to ultimately sanction registration of an FIR and investigation against a judge in the higher judiciary.

In keeping with the high principle of judicial independence, the Supreme Court of India, as the highest judicial forum may call for a criminal investigation and consequent action against Mr. Justice P.D. Dinakaran.

We, therefore, request that –

- a) based on the information provided by us in our representations dated 9.9.2009, 17.9.2009, 1.10.2009 and 22.10.2009 along with any other information received by the Supreme Court Collegium, the Central Bureau of Investigation may be directed to register a First Information Report under the Prevention of Corruption Act, 1947 and other relevant Laws against Mr. Justice P.D. Dinakaran, Chief Justice of the Karnataka High Court and the Hon'ble Chief Justice of India may grant the necessary permission for the same;
- b) based on the result of the investigation, the Central Bureau of Investigation may be directed to obtain necessary sanction from the President of India in consultation with the Hon'ble Chief Justice of India to prosecute Mr. Justice P.D.Dinakaran;
- c) advise Mr. Justice P.D. Dinakaran to go on leave and not to discharge functions as a Judge of the Karnataka High Court;

FORUM FOR JUDICIAL ACCOUNTABILITY

Room No.2, I Floor, 45 Armenian Street, Chennai-600 001.

Ph : 044-25224597, Email – forjudact@gmail.com

:: 10 ::

- d) initiate immediate action for removal of Mr. Justice P.D. Dinakaran from the office of Chief Justice of Karnataka High Court and
- e) direct immediate attachment of the assets of Mr. Justice P.D.Dinakaran and ensure that no tampering of evidence takes place, pending investigation and appropriate action.

Yours faithfully,

Sd/-

R.VAIGAI

SRIRAM PANCHU
Senior Advocate

ANNA MATHEW

SUDHA RAMALINGAM

S.S.VASUDEVAN

S.DEVIKA

T.MOHAN

GEETA RAMASESHAN

N.L.RAJAH

D.NAGASAILA

Convenor: R.Vaigai, Advocate

FORUM FOR JUDICIAL ACCOUNTABILITY

Room No.2, I Floor, 45 Armenian Street, Chennai-600 001.

Ph : 044-25224597, Email – forjudact@gmail.com
