

NOTICE OF MOTION FOR PRESENTING AN ADDRESS TO  
THE PRESIDENT OF INDIA FOR THE REMOVAL OF Mr.  
JUSTICE PAUL DANIEL DINAKARAN, CHIEF JUSTICE OF  
THE KARNATAKA HIGH COURT, ALSO KNOWN AS Mr.  
JUSTICE PAUL DANIEL DINAKARAN PREMKUMAR, UNDER  
ARTICLE 217 READ WITH 124 (4) OF THE  
CONSTITUTION OF INDIA

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THIS HOUSE RESOLVES that an address be presented to the President for the removal of Mr. Justice Paul Daniel Dinakaran, also known as Mr. Justice Paul Daniel Dinakaran Premkumar, from the office of Chief Justice of the Karnataka High Court for his *following acts of misbehaviour* and detailed in the Explanatory Note annexed herewith:

- I. Possessing wealth disproportionate to known sources of income.
- II. Unlawfully securing five Housing Board plots, in favour of his wife and two daughters.
- III. Entering into Benami transactions prohibited and punishable under the Benami Transactions (Prohibition) Act, 1988.
- IV. Acquiring and possessing agricultural holdings beyond ceiling limit under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961.
- V. Illegal encroachment on Government and public property to deprive dalits and the poor of their right to livelihood.
- VI. Violation of the human rights of dalits and the poor.

- VII. Destruction of evidence during official enquiry.
- VIII. Obstructing public servant on duty.
- IX. Repeated undervaluation of properties at the time of registration of sale to evade stamp duty.
- X. Carrying out illegal construction in breach of Town Planning Law and planning permit.
- XI. Misuse of official position to unlawfully secure property and to facilitate other illegal acts for personal gain.
- XII. Abuse of judicial office:
  - A. *To pass dishonest judicial orders:*
    - a) Contrary to settled principles of law to favour a few individuals or for his own unjust enrichment, at the cost of the public exchequer and the country's natural resources.
    - b) In matters where he had personal and direct pecuniary interest to secure several properties for his family.
  - B. *To take irregular and dishonest administrative actions*
    - a) for constituting Benches and fixing Rosters of judges to facilitate dishonest judicial decisions.
    - b) to make arbitrary and illegal appointments and transfers.

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SL.No.	NAME OF MEMBERS OF PARLIAMENT	SIGNATURE
	RAJYA SABHA	IC/DIV No.

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**EXPLANATORY NOTE ON THE MOTION FOR IMPEACHMENT OF  
Mr. JUSTICE PAUL DANIEL DINAKARAN, CHIEF JUSTICE,  
KARNATAKA HIGH COURT**

1. Mr. Justice Paul Daniel Dinakaran is shown in all the official records of the Madras High Court, including judgments as Mr. Justice P.D.Dinakaran. However, he was sworn in as Chief Justice of the Karnataka High Court as Mr. Justice Paul Daniel Dinakaran Premkumar. The official website, cause list and judgments of the Karnataka High Court continue to show him as Mr. Justice P.D.Dinakaran. All references to Mr. Justice P.D.Dinakaran in this NOTE may be treated as reference to Mr. Justice Paul Daniel Dinakaran Premkumar also.
2. Mr. Justice P.D.Dinakaran, while a judge of the Madras High Court and later as Chief Justice of the Karnataka High Court, has failed to keep his oath of office to “dispense justice without fear or favour” and has passed judicial orders on dishonest and extraneous considerations. It shows utter lack of probity and integrity, which are the basic qualities of being a Judge. The conduct of Mr. Justice P.D.Dinakaran amounts to dishonesty and corruption amounting to gross misbehaviour by a judge.
3. Further, the Judge possesses wealth disproportionate to known sources of income, has encroached upon public property, violated Town Planning Laws, violated the Land Ceiling Laws relating to agricultural holdings, secured five housing plots to his family by illegal means and has evaded stamp duty to defraud the public exchequer, thus contravening several Laws to amass wealth. He has clearly abused his office for personal gain. Such a person cannot hold the high office of a Judge, where he will be called upon to judge the conduct of others.

4. Justice P.D.Dinakaran and his family encroached upon and prevented dalits, Irulas (Scheduled Tribes) and the landless poor from accessing government land and village common resources like grazing land and water bodies, which are integral to their livelihood. He has personally and through his men threatened and terrorised the dalits and landless poor from entering the said public property adjacent to his and his family's lands. His actions have directly impacted and obstructed the distribution of the said Government lands under the Tamil Nadu Government's Scheme of distribution of lands to the Dalits and the landless poor of Kaverirajapuram. These acts amount to violation of the human rights of the poor villagers. A person, who appropriates public properties and oppresses the poor is unfit to hold the post of a Judge, whose duty is to translate the constitutional goals and the Directive Principles of State Policy into reality.

5. Mr. Justice P.D.Dinakaran has also abused his administrative powers as a Judge to pass several illegal and irregular orders. After his appointment as Chief Justice of Karnataka High Court, he has also abused his administrative powers in fixing rosters of judges for hearing certain matters, drawing certain cases to be listed before himself to facilitate dishonest judicial decisions and has ordered several illegal and irregular appointments and transfers.

6. Judiciary is the conscience keeper of our constitutional values. It is only an impartial and fair judiciary that keeps the faith of India's millions in the system of justice and the Rule of Law. The conduct of Mr. Justice P.D.Dinakaran has most certainly shaken that faith. Being the head of the judiciary in the State, Justice P.D.Dinakaran has set a bad example for the rest of the judiciary. His acts constitute serious misbehaviour and call for his immediate removal from judicial office.

## DETAILS OF CHARGES

### I. DISPROPORTIONATE WEALTH

It should be noted that Justice P.D.Dinakaran was appointed a Judge, Madras High Court on 19.12.1996, and on 08.08.2008 he was appointed Chief Justice, Karnataka High Court.

1. The Judge's father, Paul Ponnusamy was a school teacher in Arakkonam, Vellore District, Tamil Nadu and the family was not known to be affluent or have any substantial immovable property or means of income. The position of his in-laws was also the same. His father-in-law was an employee in an estate and mother-in-law was a Head Mistress. As an advocate in the Madras High Court Mr. P.D.Dinakaran lived in a rented flat in Vepery, Chennai with a practice, mainly representing government, public bodies and some religious institutions.

2. Before becoming a judge, Mr. P.D.Dinakaran had purchased 3236 sq.ft. of land in Shenoy Nagar, Chennai and 36.28 acres of agricultural land in Kaverirajapuram village, Thiruvallur District, Tamil Nadu.

3. However, after becoming a judge, he has acquired the following prime and expensive properties either in his name or in his family members' names and several properties through benami transactions. The property documents reveal deliberate undervaluation, showing use of unaccounted black money for the purchase. In any case, his income and that of his wife Dr.K.M.Vinodhini Dinakaran, a doctor in the Central Govt. Health Services, who was not entitled

to private practice, do not support his vast acquisitions and expenditure detailed below.

## A. URBAN PROPERTIES

### 1. *Anna Nagar, Chennai* (2005-2006)

(a) Justice P.D.Dinakaran purchased a residential plot of 4800 sq. ft. at **J-81, Anna Nagar East, Chennai**, a prime residential area, during 2005 for an undervalued cost of **Rs.90,50,040 lakhs**. The property was jointly purchased by Mr. Justice P.D. Dinakaran (Rs.37,85,040), Dr.Vinodhini Dinakaran (Rs.28,35,000) and Mrs. M.G. Paripoornam, mother-in-law (Rs.24,30,000) .

(b) The 30% share in house site in Anna Nagar first purchased on 01.09.2005 by Mrs.Paripoornam (mother in-law), was settled later to her daughter, Dr.Vinodhini Dinakaran (wife of the judge) on 21.08.2006 i.e. in less than a year. The remaining 70% share as stated above was bought jointly by Mr. Justice P.D.Dinakaran and his wife. These details are as per the Certificate of Encumbrance on Property.

(c) Construction activity at the site of a building comprising of two floors and above was continuing until September 2009. By any modest estimate, the cost of construction so far would have been **more than Rs.25 lakhs**.

### *Stamp duty evasion*

This purchase was under valued and a proceeding for deficit Stamp Duty under Sec. 47-A of the Indian Stamp Act, 1899 is pending. ( Annexure 1 in Volume - I is the encumbrance certificate reflecting the above transaction).



**2. Shenoy Nagar, Chennai (2002-2008)**

(a) Plot bearing Door No28, East Park Road (junction of Pulla Avenue and East Park street), Shenoy Nagar, Chennai - 600 030 was jointly purchased by Mr. P.D.Dinakaran and Dr. Vinodhini Dinakaran in 1990. After appointment as judge, he settled his share in his wife Dr.Vinodhini's name in December 2001. The adjacent Plot No 27 was purchased in the name of Dr. Vinodhini Dinakaran in July 2002 at Rs. 9,30,000/- , which is gross undervaluation as compared to the price of Rs. 28,73,472/- as per the guideline value fixed by the Government. A loan of Rs.7 lakhs was taken by Dr.Vinodhini in 2002 from Corporation Bank, Anna Nagar, Chennai but was closed in 2004. A huge five storeyed commercial complex has been built during 2006-2008. Mr. Justice P.D.Dinakaran was seen frequently personally supervising the construction. Conservative estimates indicate that the cost of construction would be not less **Rs.2.5 crores.**

(b) The Encumbrance Certificate dated 30.09.2009 for 27 and 28, East Park Road, Shenoy Nagar, Chennai filed herewith ( Annexure 3 in Volume-I) reveals:

- a) 3236 sq.ft. - purchased by  
 (Plot No.28) Justice Mr.P.D.Dinakaran and Dr.  
 K.M.Vinodhini Dinakaran on  
 05.12.1990 for 5.5 lakhs and  
 subsequently his share was settled in  
 his wife's name on 10.12.2001.

- b) 2688 sq.ft. - purchased by Dr.K.M.Vinodhini on  
 (Plot. No. 15.07.2002 and 17.07.2002 for  
 27) **Rs.9,30,000/- (Govt. Guideline value  
 Rs.28,73,472/-)**

*Stamp Duty Evasion:*

Since, the second purchase was undervalued, proceedings under Sec. 47A of the Indian Stamp Act, 1899 were taken. As per Government Guideline value of Rs.1069/- per sq.ft., the cost was taken as Rs.28,73,472/- . The proceedings ended in the government's favour and a stamp duty of Rs. 1,49,721/- on the shortfall in value was levied.

(Annexures 2 to 7 in Volume-I are the documents, including the encumbrance certificates, guideline value, photograph, planning permission and completion certificate for the Shenoy Nagar property)

***3. Five housing plots from Tamilnadu Housing Board near IT Corridor, Chennai (2002- 2005).***

In the year 2005, five plots of 3600 - 3800 sq.ft. each of the High Income Group (HIG) categories were obtained by Dr. Mrs. Vinodhini Dinakaran and the two daughters Amudha and Amirtha.

Three plots were directly purchased by Mrs. Vinodhini Dinakaran . The following are the details of the five plots:

Name of Scheme: Sholinganallur Village Neighbourhood Scheme Phase III, Tambaram Circle, Kancheepuram District (near IT corridor, Chennai).

Plot No. & Area	Seller	Buyer	Sale Deed No. & Date	Cost .in Rs.
HIG I/39 395.85 sq.mts.	T.N. Housing Board	Dr. Vinodhini Dinakaran (wife)	5044 dt.1.09.2005	13,67,267/-
HIG I/40 395.85 sq.mts.	-do-	-do-	5045 dt.1.09.2005	13,67,267/-
HIG II/25 360 Sq. mts.	-do-	-do-	5046 1.09.2005	11,51,280/-
HIG II/44 336 Sq.mts.	-do-	M.G.Paripooranam (mother in law of P.D.Dinakaran)	5047 1.09.2005	8,59,824/-
HIG II/45 336 Sq.mts.	-do-	James Kuppusamy (father in law of P.D.Dinakaran)	5048 1.09.2005	8,59,824/-
<b>Total</b>				<b>56,05,462</b>

Within two days of the sale by the Housing Board to the parents-in-law, the last two plots were registered in the name of Mr. Justice Dinakaran's two daughters under a '**Settlement**' as follows:-

- (i) Amirthaporkodi Dinakaran, Plot No.HIG II/43, 336 sq.m. Settlement by James Kuppusamy, father-in-law, (document No.5097 dt.05.09.2005)
- (ii) Amudhaporkodi Dianakaran, Plot No.HIG II/44, 336 sq.m Settlement by M.G. Paripoornam, mother-in-law, (document No.5098 dt.05.09.2005)

(Annexures 13 to 15 in Volume-I are the sale deeds, settlement deeds, encumbrance certificate for the above mentioned Housing Board plots)

***Shocking modus operandi to secure property under a public housing scheme by subverting allotment rules:***

After first obtaining two plots viz., HIG I/39 & 40 in wife Dr.Vinodhini Dinakaran's name, three more plots were obtained by Mr. Justice P.D.Dinakaran for his wife and daughters by a devious process in utter violation of allotment conditions in the following manner.

***(a) Joint Applicants:***

Three joint applications were made on 19.06.2002 for allotment of plots by the Tamilnadu Housing Board and provisional allotment was obtained as follows:

- (ii) One V.Sarala (relationship not known - wife of K. Venkatraman, advocate then and now Judge, Madras High Court ) and Dr. Vinodhini Dinakaran (wife) ( Application No.018366)
- (iii) James Kuppusamy (father-in-law) and P. Vimala (sister of Mr. Justice P.D.Dinakaran) ( Application No.018367) and
- (iv) J. Williams (brother-in-law) and Mrs. M.G. Paripoornam (mother-in-law) ( Application No. 018368)

***(b) Withdrawal by co-applicants:***

All the three joint-applicants withdrew their names from the applications on the same date i.e. 27.03.2003 by giving 'No Objection' for allotment to the remaining applicant, thus leaving Dr. Vinodhini (wife), James Kuppusamy (father-in-law) and M.G. Paripoornam (mother-in-law) as the sole allottees.

***(c) Wife and in-laws sole allottees:***

Finally the allotment of one plot each was confirmed on 04.07.2003 by the Tamil Nadu Housing Board as follows:

- (i) Dr. Mrs. Vinodhini Dinakaran, wife - 360 sq.m.  
Plot No.HIG II/25
- (ii) Mr. James Kuppusamy (83 years), father-in-law - 336 sq.m. Plot No.HIG II/43 and
- (iii) Mrs. M.G. Paripoornam (73 years), mother-in-law - 336 sq.m. Plot No.HIG II/44.

***d) Transfer of property to daughters***

Within two days of the sale, viz., on 03.09.2005, both the father-in-law and mother-in-law effected “**settlement**” of their plots on Mr. Justice P.D.Dinakaran’s daughters Amirthaporkodi Dinakaran and Amudhaporkodi Dianakaran, respectively, thus completely subverting and defeating a public housing scheme meant to serve those without property and in need of housing.

*e) Violation of Allotment Conditions:*

The Tamil Nadu Housing Board allotments are in complete violation of the allotment Rules.

- (i) Such multiple allotments to the same individual or family even under ‘first come first served’ scheme of allotment is not done
- (ii) The Housing Board was misled to believe that the last three allotments were not for Mr. Justice Dinakaran’s family by making the last three applications in the following manner:
  - (a) V.Sarala as the first applicant with Dr. Vinodhini Dinakaran (Application No. 018366)
  - (b) applying in the name of the father-in-law, 1<sup>st</sup> Applicant (Application No. 018367) and
  - (c) applying for the mother-in-law with J.Williams as the first applicant (Application No. 018368)
- (iii) As per the allotment conditions, only mother, father, son, daughter or spouse can apply jointly. The joint applications made as mentioned above, were clearly not permissible.

( Annexure 16 in Volume-I is the application under the Right to Information Act, 2005 , given to the Housing Board and the latter's response stating that such a condition should be satisfied for a joint application)

(iv) James Kuppusamy, the father-in-law and M.G.Paripoornam, mother-in-law with Rs.56,668/- per annum and Rs.49,200/- per annum, respectively, as per the details in their application, dated 19.06.2002 fell below the minimum eligible income limit (of Rs.90102 and above per annum) for a High Income Group allotment but were still given the plots. In their applications to the Tamil Nadu Housing Board they had declared to be non -assesses of income tax.

*f) Misuse of office to obtain the allotments:*

It is widely known that the allotments and sale were effected only because of the influence wielded by Mr. Justice P.D.Dinakaran to get the allotments in breach of the conditions and the abuse of judicial powers as mentioned below.

*g) Securing the allotments by passing Judicial order:*

After Mr. Justice P.D. Dinakaran's wife Dr. Vinodhini Dinakaran, his father-in-law and mother-in-law became beneficiaries of the said allotments in the Sholinganallur Neighbourhood Scheme Phase III, the Housing Board could not effect the sale in their favour since the land acquisition for the said housing scheme was challenged. Mr. Justice P.D.Dinakaran then heard W.P. No. 9075 of 1997 and dismissed the said challenge by an order dated 29.01.2004 (Kuresh A. Kapadia Vs. State of Tamil Nadu & others- 2004 (1) MLJ 630). He thus upheld the land acquisition for the very same scheme and cleared the way for the

Housing Board to effect sale of land to the allottees and Dr.Vinodhini and her parents were direct beneficiaries of Mr. Justice Dinakaran's judicial order. The sale deeds were thereafter registered on 01.09.2005. Mr. Justice P.D.Dinakaran thus acted as judge in his own cause, which is gross abuse of office and subversion of justice.

(Annexure 16 in Volume-II is the order passed by Mr. Justice P.D.Dinakaran on 29/01/04)

***h) Payment details:***

For the 5 plots purchased from the Tamil Nadu Housing Board, the sale consideration was paid in the following manner as shown in the sale deeds:

***Sholinganallur Village Neighbourhood Scheme***

(i) For Plot No. HIG I/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**

(ii) For Plot No. *HIG I/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
<b>Total</b>				<b>13,67,267</b>

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.

(iii) 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/Chq.No.	Date	Amount Rs.
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
			<b>Total</b>	<b>1151280.00</b>

(iv) 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 Rs.
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
			<b>Total</b>	<b>859824.00</b>

(v) 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 Rs.
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
			<b>Total</b>	<b>859824.00</b>

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

(Annexure 13 in Volume- I are the five sale deeds executed by the Tamil Nadu Housing Board)

***4. Property at Ooty, Nilgiris District, Tamil Nadu:***

(a) The property mentioned below has been purchased recently by Mrs.M.G. Paripoornam , mother-in-law of Mr. Justice P.D. Dinakaran, who is now 80 years old.

**Document No.1078/2009** - 4.5 Acres property with a bungalow in  
**dt. 28.08.2009 registered** Survey No.4813/1C purchased in the name  
**with Sub-Registrar I, Ooty.** of Mrs. M.G. Paripoornam, mother-in-law  
of Mr. Justice P.D. Dinakaran.

(b) *Evasion of Stamp Duty*

The Government Guideline value of property in this area is Rs.150/-sq.ft., which works out to nearly Rs.3 crores for 4.5 Acres. The Government Guideline value published on the Registration Department website is enclosed. The market value is reported to be Rs. 8-9 crores approximately. The cost of the bungalow

would be in addition to the cost of the land. However, the property was grossly undervalued at Rs.33,75,100/- . As evident from the Encumbrance Certificate which is enclosed, the Registration Department has raised an objection under Sec.47-A of the Indian Stamp Act, 1899 and the dispute is pending. The gross under valuation of the property seems to have been sought to be justified by showing the land abutting the 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 right next to late Dr. Subbaroyan's property (father of late Mohan Kumaramangalam) in the heart of Ooty at Golf Link Road and by no means can be called agricultural land.

Considering the location of the property in Ooty, it is unimaginable that an extent of 4.5 acres can be purchased for a mere Rs.33 lakhs. Even a distress sale will fetch at least the minimum guideline value fixed by the Government. The figure of Rs.33 lakhs given in the sale deed is obviously fictitious and the purchase is by Mr. Justice P.D.Dinakaran through a benami transaction as shown below.

The cost of acquisition of the property has to be taken at Rs.3 crores as per the guideline value fixed by the Government, if not the unrealistically poor consideration has to be treated as one of illegal gratification.

c) *Source of Funds:*

(i) It is learnt that the parents- in-law do not have resources to support such investments, which is also apparent from their declarations in their applications to the T.N. Housing Board. Mrs. M.G.Paripoornam, aged 80 years, the mother-in-law of Mr. Justice P.D. Dinakaran, retired as a Headmistress of a school and

her husband James Kuppusamy retired as Assistant Foreman (Security) in Ooty and is no more.

(ii) 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
			<b>Total</b>	<b>33,75,100</b>

(iii) The fact that the demand drafts towards the sale consideration for purchase of Ooty property were all obtained from the Bank of Baroda in Bangalore, where Mr. 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 fact that the purchase was for the judge and that the mother-in-law is a benami. In fact, it appears that three cheques for Rs. 9,00,000 each were issued from Mrs. Vinodhini Dinakaran's S.B.Account No.1969010000 2447 with the Bank of Baroda. The purchase is clearly hit by Section 2 read with Section 3 of the Benami Transactions (Prohibition) Act, 1988, which is a punishable offence.

(Annexures 10 to 12 in Volume -I are the documents-sale deed and encumbrance certificate and the guideline value for the property at Ooty)

***5. Arakkonam Property:***

In Arakkonam Town, the residential building 'Anbagam' (a residential building said to be owned by Mr. Justice P.D.Dinakaran) was recently renovated at a cost of nearly Rs. 15 Lakhs. It reportedly encroaches on the main road by 10 feet.

***6. Lands in Kaverirajapuram village (440 Acres)***

- (a) In the village of Kaverirajapuram, Tiruttani Taluk, Tiruvallur District, Tamil Nadu, situated about 80 kms., from Chennai, the extent of lands possessed legally and illegally by the Judge and his family is approximately 440 acres. Kaverirajapuram is a village whose population predominantly consists of dalits, Irulas (scheduled tribe), and most backward classes like Naidus and Boyars and others. The agricultural lands are predominantly Dry lands. The total extent of the village is about 1700 acres.
- (b) In all, the judge is in possession of approximately 440 Acres in Kaverirajapuram Village alone, almost one fourth of the village. Out of this 440 acres:
  - (i) nearly 240 acres are 'patta' lands purchased by the Judge and his family, (wife and daughter viz., Amudha Porkodi) either individually or through four private companies formed in 2001 in which, his wife, elder daughter and close relatives are

directors or shareholders. These lands are held beyond the ceiling limit as explained below. The parents-in-law are shareholders and directors of the Companies. The parents-in-law, at the time of acquisitions, had retired from service and did not have any independent source of income to purchase large tracts of lands. This is also borne out from the declarations of income made to the Tamil Nadu Housing Board for allotment of plots in Chennai. The brother of Dr.K.M. Vinodhini Dinakaran, Raja Rabidev, is only an agriculturist and could have obviously not had the means to acquire substantial tracts of land. The purpose of forming these Companies clearly appears to be an attempt to subvert the land ceiling laws.

- (ii) About 200 acres have been encroached upon by the judge and his family and they are:
  - (a) Government poramboke, eri (lake), stream and other water bodies, pathway and Tamarind Grove and
  - (b) lands classified as “Government Anadhinam” lands (which can be allotted only to landless poor as per Revenue Board Standing Orders of the Tamil Nadu Government). These lands were classified as “Government Anadhinam” lands even prior to the settlement proceedings held fifty years ago under the Tamil Nadu Estates Land (Abolition and Conversion into Ryotwari) Act, 1948

c) *Method of acquisition of patta lands*

- i) 36.28 acres of the land were purchased by Mr. P.D.Dinakaran before his appointment as judge.
- ii) After his appointment as judge, lands were purchased in the names of his wife Dr. Vinodhini, his unmarried daughter Amudha Porkodi either directly or in the names of four Companies, Amudham Gardens, Amirtham Gardens, Dear Lands, Canaan Pvt. Ltd, where the judge's family members and friends are shareholders. Daughter Amudha Porkodi got married recently on 15.12.2008.
- (iii) All the Companies were incorporated on 23.08.2001, after Mr. Justice P.D.Dinakaran was appointed as judge of the Madras High Court (19-12-1996).
- (iv) Annual returns of all 4 companies state that all shareholdings are held by the Directors and their relatives as follows:

<b>Company</b>	<b>Some Directors</b>
<p><b>Dear Lands Pvt. Ltd.,</b> Kaverirajapuram village, Tiruttani Taluk, Thiruvallur Dist.</p>	<ol style="list-style-type: none"> <li>1. Dr. K.M. Vinodhini, wife of Mr. Justice P.D.Dinakaran</li> <li>2. Mr. J. Williams ( Mr. Justice P.D.Dinakaran's sister's husband)</li> </ol>



<b>Amudham Gardens (P) Ltd.</b> Kaverirajapuram village, Tiruttani Taluk, Thiruvallur Dist.	1. Mr. J. Williams (mentioned as above) 2. Ms. Amudha Dinakaran, Daughter of Mr. Justice P.D.Dinakaran
<b>Amirtham Gardens (P) Ltd.</b> Kaverirajapuram village, Tiruttani Taluk, Thiruvallur Dist.	1. Dr. K.M. Vinodhini (as mentioned above) 2. Mr. J. Williams (mentioned as above) 3. Dr.Kingsley Alfred Chandrasekar (Brother of Mr. Justice P.D.Dinakaran) 4. Mrs. D.A.P. Kamalakumari Kingsley (Sister -in-law of Mr. Justice P.D.Dinakaran)
<b>Canaan Gardens Pvt. Ltd.</b> Kaverirajapuram village, Tiruttani Taluk, Thiruvallur Dist.	1. Ms. Amudha Dinakaran (as mentioned above) 2. Mr.J.Williams (as mentioned above)

(d) *Details of lands purchased:*

Patta No.	Owner's Name	Acres
1372	P.D.Dinakaran	36.28
1428	Vinodhini Dinakaran	17.04
1428 &	Dear Lands India Ltd. (Vinodhini Dinakaran is a Director	45.25

1426	& Shareholder).	21.48
1427	Canaan Gardens Pvt. Ltd. (Amudha Dinakaran, daughter is a Director & Shareholder).	52.78
1429	Amudham Gardens Pvt. Ltd. (Amudha Dinakaran, daughter is a Director & Shareholder).	19.52
1430	Amirtham Gardens Pvt. Ltd. (Vinodhini Dinakaran is a Director & Shareholder).	49.15

All lands except in Patta No.1372 were purchased after 2003.

(Annexures 17 to 34 in Volume- I are the documents, including a map of the judge's agricultural land holdings, patta details, photographs, newspaper reports, annual returns for two Companies in Kaverirajapuram)

**7. *Lands in Poovalai village:***

The judge is also reported to possess more than 50 acres of lands with mango orchards in Poovalai Village, Gummidipoondi Taluk, Vellore District, Tamil Nadu. He has been seen visiting the orchard periodically.

**8. *Other properties:***

There are several other properties reported to be held by Mr. Justice P.D.Dinakaran in Tamil Nadu either directly or through benami transactions.

**9. Cost of acquisitions:**

The market value of the agricultural lands are in the range of about Rs.15- 20 lakhs per acre today. It appears that the land holdings are of an extent of approximately 500 acres.

All these properties have not been officially declared by the judge. It also needs to be verified if these disclosures of the assets have been made and updated, as per the 1997 Resolution regarding Declaration of Judge's assets.

The Total value of the properties, rural and urban, acquired after Mr. Justice P.D.Dinakaran was appointed as a judge are: as follows

Total cost of Urban acquisitions(as shown in the documents) excluding Ooty	: Rs.1.62 Crores
Cost of Ooty property as per guideline value	: Rs.2.91 Crores
Total estimated cost of construction 2006-2008	: Rs.2.75 Crores
Total approximate value of 240 acres acquired in Kaverirajapuram (during 2003-2005) (at then prevailing market rate of Rs. 2 lakhs per acre)	: Rs.4.8 Crores
<b>Total</b>	<b>: Rs.12.08 Crores</b>

It is common knowledge that the real value of the properties is at least three times that shown in the documents.

**9. Questionable bank accounts**

The following bank accounts were opened at the Bank of Baroda,

Greenways road branch, Chennai where the judge, his wife and daughters had accounts. Greenways Road in Chennai is the location of the official residence of judges, ministers and Govt. institutions.

Name of the Bank	Account holders	Account No.
Bank of Baroda, Greenways Road., Chennai	M.G.Paripooranam	19690100002765
	(Mother-in-law)	19690100002764
	J.Williams (brother-in-law - sister's husband)	19690100002817
	Raja Rabidev (brother-in-law - Wife's brother)	

The opening of these accounts at Greenways road, even though the said relatives were not residents of Chennai and the transactions therein indicate that these relatives are mere name lenders for the financial dealings of the judge and his family. Being benamis, the financial status of these relatives grew along with the judicial career of the judge.

### *10. Disproportionate pecuniary resources*

#### (i) *Loans and repayments beyond income levels*

Mr. Justice P.D. Dinakaran and his wife Dr. Vinodhini have taken loans running to more than Rs.1.59 crores in recent years.

- a) Dr. Vinodhini Dinakaran availed of two loans from Indian Overseas Bank, Anna Nagar, Chennai (see encumbrance certificate dated 23.09.2009 for 28, East Park Road, Shenoy Nagar, Chennai,

Annexure 2 in Volume I)

- (i) 2007 - Rs.62 lakhs
- (ii) 2008 - Rs.35 lakhs

b) Mr. Justice P.D. Dinakaran is reported to have taken loans as below:

- (i) Bank of Baroda - Rs.56 lakhs
- (ii) Government Housing Loan - Rs.6 lakhs
- (iii) Provident Fund Loan

The Bangalore Mirror dated 20.09.2009 reports the loans mentioned at (b) (i) to (iii) above.

The required EMI payments for these loans are close to Rs.3 lakhs per month. The commercial complex at Shenoy Nagar stands unoccupied till date. Any inspection of the Kaverirajapuram village property will reveal that the fruit orchards and horticultural operations therein do not spread over entire 240 acres and cannot generate such high income. The source of funds for such high repayments required for the bank loans is not supported by the known sources of the judge's income.

ii) *Extravagant expenses*

It is also widely known that Mr. Justice P.D.Dinakaran celebrated his daughter Amudha Porkodi's wedding at Bangalore with extreme opulence soon after his appointment as Chief Justice of Karnataka High Court. Hundreds of VIP guests are reported to have been hosted by Mr. Justice P.D.Dinakaran with board and lodging in almost 40 rooms and suites at luxury hotels at Bangalore like Atria and Chalukya . Several Government

Guest Houses were booked. The wedding was followed by a lavish spread at break fast and luncheon at Jaya Mahal Palace Hotel, Bangalore on 15.12.2008. Later on 20.12.2008, there was also a Reception held at the Madras Race Club, Chennai. The scale of celebrations and the expenditure involved easily crossed several crores of rupees.

(Annexure 38 in Volume -I is the wedding invitation of Amudha Dinakaran)

In the year 2004, Justice P.D.Dinakaran, his wife and two daughters travelled to Canada and the USA by Lufthansa Airlines. They stayed and travelled widely in these two countries between 11<sup>th</sup> August 2004 and 1<sup>st</sup> September 2004. His daughter, Amudha Dinakaran, studied in the SUNY College of Technology, UTICA, NY State, USA.

The expense for the travel, stay and the daughter's education and upkeep exceeded several tens of lakhs.

### ***11. Wealth acquired through corruption and dishonesty***

The information and materials available show clearly that the assets and pecuniary resources possessed by Justice P.D. Dinakaran, are disproportionate to the known sources of income. The so called ownership of properties by his extended family is an eyewash, as is clear from their financial status and the fact that the property is invariably given over by 'settlement' to either Mr. Justice P.D. Dinakaran's wife, Dr.Vinodhini Dinakaran or their two daughters. The veil of ostensible documentations and corporate operations cannot hide the fact that the real ownership lies with Mr. Justice P.D.Dinakaran, whose income does not support possession of such wealth.

The inescapable conclusion is that Mr. Justice P.D.Dinakaran has acquired wealth through corrupt and dishonest means and is thus unfit to be a judge.

## II. UNLAWFULLY SECURING FIVE HOUSING PLOTS FOR HIS FAMILY

The manner of obtaining five housing plots in the High Income Group category in a public housing scheme described above smacks of obvious abuse of judicial office for personal gain.

This is gross judicial misbehaviour.

## III. BENAMI TRANSACTIONS

A cursory glance at the manner of acquisition of properties by Mr. Justice Dinakaran's wife and children reveals a clear pattern.

- (a) Properties are initially purchased in the name of the aged parents-in-law who are mere pensioners and are not even Income Tax assesseees.
- (b) The shares in the Pvt. Companies and the agricultural land holdings by the parents-in-law, sister, sister-in-law and brother-in-law are obviously not funded by themselves, considering their financial resources as retired employees or agriculturists.
- (c) Subsequent 'settlement' of the said properties in the name of Dr.Vinodhini (wife) or Ms. Amudha Dinakaran or Ms.Amirtha Dinakaran (daughters). For instance:
  - (i) 30% share in the Anna Nagar property was purchased on 1.09.2005

by M.G.Paripooranam, mother-in-law for 24,30,000/- and then on 21.08.2006, it was transferred to Dr. Vinodhini Dinakaran by a 'Settlement'.

- (ii) A similar pattern is evident in the Housing Board Allotments where the applications were made by the aged parents-in-law of Mr. Justice P.D.Dinakaran along with one other individual who subsequently withdrew the application and the final purchase was made by the parents-in-law on 01.09.2005. Within two days, on 03.09.2005, the parents-in-law settled these properties in the names of the two daughters of Mr. Justice P.D.Dinakaran.
- (iii) The expensive property in Ooty has also been bought in August 2009 in the name of the aged mother-in-law, Mrs. M.G.Paripoornam who is now close to 80 years. Obviously a 'settlement' was in the offing.
- (iv) The rural land holdings are effected through four private limited companies in which the father-in-law, mother-in-law and brother-in-law are major share holders. Their sources of income do not support the acquisitions of the vast agricultural land holdings in Kaverirajapuram village. That the real ownership of the agricultural holdings also lies with the judge is clear from the fact that the annual returns of the companies are invariably signed by Dr.Vinodhini Dinakaran, his wife, who is in defacto management of the companies.

Such benami transactions is prohibited under Section 3 of the Benami



Transaction (Prohibition) Act, 1988 and is a punishable offence.

#### IV. VIOLATION OF LAND CEILING LAW

As per Section 5 of the Tamil Nadu Land Reforms(Fixation of Ceiling on Land) Act, 1961, a family of 5 persons cannot hold more than 15 'Standard' acres of agricultural land. The equivalence of 'Standard' acre to an ordinary acre is fixed under Section 3(40) of the Act based on the quality of the soil, its productivity, rate of tax etc., . In Kaverirajapuram village, 4 acres of dry land are equal to 1 'Standard' acre.

Mr. Justice P.D. Dinakaran and his wife Dr.Vinodhini Dinakaran hold 53.32 Acres of agricultural dry lands in Patta Nos.1372 and 1428.

However, the four private companies, viz., Dear Land (P) Ltd., Canaan Gardens Pvt. Ltd., Amudham Gardens Pvt. Ltd. and Amirdham Gardens Pvt. Ltd., together hold 188.18 acres of predominantly dry lands. Though the shareholdings of the judge's wife Dr. Vinodhini and daughter Amudha Dinakaran are meagre, it is obvious that the real owner of the rest of the shares ostensibly held by the mother-in-law, father-in-law, brother, sister and brother-in-law is the judge. The said family members did not have the financial resources in 2001 or thereafter (as is clear from their declarations to the Tamil Nadu Housing Board) to purchase the agricultural lands. Raja Rabidev, Dr.Vinodhini Dinakaran's brother and another shareholder also is only an agriculturalist without much resources. Many of them have effected 'settlement' of their holdings in favour of Dr.Vinodhini Dinakaran.

It is obvious from their financial status that the funds for the purchase of the agricultural lands for the four companies came from the judge. This is confirmed by the fact that the ultimate management of the companies are with Dr.Vinodhini Dinakaran and Amudha Dinakaran. The Annual Returns of Amirtham Gardens Pvt. Ltd (31.03.05) and Dear Lands Pvt. Ltd (31.03.08) show that it is Dr.Vinodhini Dinakaran, wife of Mr. Justice P.D.Dinakaran who signs the returns. The management and control of the companies lies with the judge and his wife. ( Annexures 32 and 33 in Volume-I are the annual returns of two Companies)

Thus the real owners of the assets of the companies, viz., the agricultural lands are the judge and his wife. This is confirmed by the pattern of acquisitions of other properties also, which are first purchased in the names of the mother-in-law and father-in-law and later 'settled' in favour of the wife and daughters of the judge.

If the real owners of the properties of the companies are the judge and his wife, then undoubtedly, their agricultural holdings exceed 60 acres or 15 standard acres, since Sec. 5 (B) (3b) to 2<sup>nd</sup> proviso of the Land Ceiling Act says,

“ In calculating the extent of land held by a family or by an individual person, the share of the family or of the individual person in the land held by a firm, society or association of individuals (whether incorporated or not) or by a company (other than a non-agricultural company) shall be taken into.”

(Annexures Nos. 35 to 37 in Volume I are the Government order, Revenue Standing Orders and extracts from the Tamil Nadu Land Reforms (Fixation of Ceiling On Land) Act, 1961)

## V. ENCROACHMENT OF PUBLIC PROPERTY AND DEPRIVATION OF RIGHTS OF DALITS AND LANDLESS

- (i) At Kaverirajapuram Village, vast extents of Government 'poramboke' lands, Government Anadhinam lands, water bodies like lakes, canals, streams, common village pathways and an ancient mud fortress abutting his patta lands were progressively encroached by the judge.
- (ii) The villagers were then prevented access to these common property resources. Nearly 600 families of dalits and landless poor in the village await distribution of Government poramboke and Anadhinam lands to them as per G.O.(Ms)No.241 dated 12.09.2006 issued by the State Government. They are yet to receive the assignment.
- (iii) Immediately thereafter, these common /government lands were fenced in along with his and his families' lands by the judge and he has planted fruit trees in the encroached area.
- (iv) *The common village lands near the judge's property are out of bounds for the villagers and the local police are used to prevent access to the area. After the representation dated 9/09/09 in this regard sent by the Forum for Judicial Accountability, Chennai to the Chief Justice of India, it appears that most of the fence was removed by the judge.*

- (v) The Government Anadhinam lands are meant to be assigned only to landless poor for small holdings and personal cultivation as per Standing Orders of the Board of Revenue, Tamil Nadu Government.
- (vi) The Government poramboke lands also are meant for common enjoyment of the villagers and cannot be occupied by any individual. Under a recent Scheme of the State Government, they can be distributed to the landless poor only.
- (vii) The water-bodies too are meant only for common enjoyment of the villagers.
- (viii) By erecting a fence the judge has deprived the local villagers access to common property resources of the village, on which many of them depend for their livelihood.
- (ix) The villagers are not able to have access to the water bodies and due to extensive use of water for the judge's farm where there are huge fruit orchards and other cultivations, the water source for the village has got depleted. Large bore wells/ open wells are said to have been dug inside the farm without permission from the concerned authorities.
- (x) It is reported that the entire village administration and government machinery has been exploited to provide facilities and free labour for the judge's property. The judge has attempted to even obtain pattas for the public and government lands in his occupation.
- (xi) It is an open secret in legal circles that the judicial officers and staff of the judiciary have been regularly asked to supervise and facilitate the maintenance and upkeep of the farm.

- (xii) Even the village road that leads to the property has been named as ‘Neethi Arasar P.D. Dinakaran Saalai’. (“Emperor of Justice, P.D. Dinakaran road” ( Annexure 19 in Volume-I is the photograph of the name board)
- (xiii) An Association of farmers has been agitating for redistribution of land to the landless poor and have submitted representations to the State Government and local authorities in this regard. It is learnt that a fact finding team comprising of eminent human rights activists and groups have also visited Kaverirajapuram and submitted a report confirming the encroachment of land by the judge and the human rights violation by the judge.

The District Collector, Tiruvallur District, Tamil Nadu has in his Report submitted to the Chief Justice of India in October 2009 confirmed the encroachment by the judge. The news report containing the details of the report is enclosed ( Annexure 26 in Volume-I). This report was prepared in response to the inquiry initiated by the Chief Justice of India. The Collector has also reiterated his finding in a second Report that included details of other encroachments. The lands encroached upon, according to the Collector’s report, are lands classified as anadhinam and public lands.

## **VI. VIOLATION OF HUMAN RIGHTS OF THE DALITS AND THE POOR**

Due to the aforesaid appropriation of the village common properties by Mr. Justice P.D.Dinakaran, the village poor including the dalits have been oppressed. Even if any of them or their cattle stray near the judge’s farm or near the said village common properties, they are whisked off inside his farm and

beaten and physically abused by men employed in the farm. On several such occasions the judge has been present and the physical and verbal abuse is carried out under his instructions. There are victims in this regard who stand testimony to such atrocities. Complaints in this regard have been made by human rights activists. Even women in the village have not been spared. There are 6-7 villagers against whom false criminal cases have been foisted only because they went near the farm and for the last 7-8 years, they have been made to report at the police station periodically. Through such actions, Mr. Justice P.D.Dinakaran has directly violated and also caused the violation of human rights of the dalits and other villagers in Kaverirajapuram village. His actions are most unbecoming of a judge and constitute gross misbehaviour.

#### **VII & VIII. DESTRUCTION OF EVIDENCE & OBSTRUCTING PUBLIC SERVANTS ON DUTY**

Once the encroachment of government and village common properties in Kaverirajapuram village became known and was reported in October 2009 widely in the media, Mr. Justice P.D.Dinakaran caused removal of the fence and barricades around the said properties.

Such removal took place after the District Collector, Tiruvallur had submitted a report in October 2009 to the Chief Justice of India, in response to representations regarding the encroachment submitted by the Forum for Judicial Accountability, Chennai, the Tamil Nadu Vivasayigal Sangam and certain Human Rights Organisations.

Since the removal of the fence amounted to destruction of evidence, the vigilant revenue and village authorities attempted to prevent such removal of the fence. Mr. Justice P.D.Dinakaran even tried to intimidate the said authorities by speaking to the concerned Tahsildhar while he was inspecting the properties and

the fence. An official report was submitted by the Tahsildhar in this regard and the media has reported the incident with the voice recording of the judge's conversation with the Tahsildhar. A complaint was given by the local residents to the police station, Kannamma Chatram naming a staff of the Madras High Court, Madurai Bench as the person in charge of removal of the fence.

( Annexures 27 to 30 in Volume -I are the newspaper reports and a copy of the police complaint given by the village residents)

### IX. FRAUD ON PUBLIC EXCHEQUER & EVASION OF STAMP DUTY

(a) Mr. Justice P.D.Dinakaran, has systematically and deliberately undervalued the properties at the time of every registration of sale, in order to evade payment of stamp duty to the public exchequer. The State Registration Department has initiated proceedings under Sec.47 A , of the Indian Stamp Act, 1899 for recovery of the deficit in stamp duty due to undervaluation. This is revealed by the Encumbrance Certificates issued by the Registration Department.

Details are given below:

Property Description	Value as per the Sale Deed	Guideline value	Proceedings
(i) J-81, Anna Nagar, Chennai	Rs. 90,50,050		Dispute Pending
(ii) Plot No. 27 & 28, East Park Street, Shenoy Nagar, Chennai, purchased on 15.7.2002.	Rs. 9,30,000	Rs. 28,73,472	Deficit stamp duty of Rs.1,49,271/- levied.

(iii) Survey No.4813/1C at Golf Link Road, Ooty, Nilgiris Dt.	Rs. 33,75,100	Rs. 2,91,60,000	Dispute pending.
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The valuation of property on each occasion is far below the guideline value fixed by the State Government. A person holding high office of a judge, being aware of the guideline value, surely cannot cause such undervaluation of property and his conduct to evade payment of appropriate value of stamp duty and registration charges is most unbecoming of a judge.

#### **X. ILLEGAL CONSTRUCTION IN VIOLATION OF TOWN PLANNING LAW**

Chennai Metropolitan Development Authority approval plan dated 07.09.2007 granted to Dr.Vinodhini Dinakaran, sanctioned an office building with stilt + 4 floors at Nos.27 & 28, East Park Road, Shenoy Nagar, Chennai. However, an office/commercial construction has been put up consisting of stilt + 5 floors, making it a multi storeyed building as per the Development Control Rules. Under Sections 47 to 49 of the Tamilnadu Town and Country Planning Act, 1971 any construction contrary to the conditions of planning permit is prohibited. Having regard to the dimensions of the plot, fire safety requirements, etc., under the Development Control Rules, construction of such a multi storeyed building is prohibited. The fifth floor is wholly illegal, yet the CMDA has on inspection issued a completion certificate on 10.07.2008. ( Annexures 6 and 7 are the planning permission and completion certificate)



This is a newly constructed building and Mr. Justice P.D.Dinakaran was frequently observed at the site personally supervising the construction. Though the property stands in the name of Dr.Vinodhini Dinakaran, it is Mr. Justice P.D.Dinakaran who is responsible for the illegal construction and has thus committed breach of the law.

### XI. MISUSE OF OFFICIAL POSITION

The aforesaid irregular and illegal acquisitions and actions were undoubtedly facilitated by the undue influence wielded by Mr. Justice P.D.Dinakaran misusing his position as a judge.

For example:

- (i) the Tamil Nadu Housing Board, a public body was misled to allot plots far in excess of the normal practice and even in violation of the eligibility conditions.
- (ii) the Chennai Metropolitan Development Authority was made to give a completion certificate for the commercial complex at Shenoy Nagar, despite the illegal construction of the fifth floor contrary to the planning Rules and its permit.
- (iii) the Registration Authority in Ooty was made to register the property at Ooty for almost 1/10<sup>th</sup> of the guideline value, which would not have been permitted normally.
- (iv) the encroachment of nearly 200 acres of Government land in Kaverirajapuram village went unchecked without any action by the Government authorities.
- (v) the oppression of the dalits and the poor in the village continued with no remedial action by the administration.

All these actions would not have been possible but for the influence wielded by Mr. Justice P.D.Dinakaran by misuse of his office as a Judge.

Similarly, if the cost of acquisition of the aforesaid properties were really at the throw away prices shown in the sale documents, then it is obvious that the Judge has obtained for himself such valuable properties for disproportionately meagre consideration by dishonest and corrupt methods misusing his office.

Such actions constitute misbehaviour and call for his removal.

## **XII. ABUSE OF JUDICIAL OFFICE**

Mr. Justice P.D.Dinakaran has abused his judicial office both on the judicial side and on the administrative side.

### **A. JUDICIAL ORDERS**

The following judicial orders passed by Mr. Justice P.D.Dinakaran are startling and contrary to settled legal principles. The result of the orders demonstrably secures valuable property and pecuniary advantage to certain individuals at huge cost to the Revenue, the State's interests, the country's natural resources and public interest. In certain cases, he exercised powers with patent bias due to his personal and pecuniary interest. He even violated the basic principle that no one can be a judge of his own cause by deciding a matter that directly facilitated sale of properties in favour of his wife and two daughters.

Exercising judicial powers without fear or favour is the basic requirement to hold office of a judge. Mr. Justice P.D.Dinakaran by his following orders has breached the said requirement and the orders are a clear

pointer to abuse of office and dishonest exercise of his constitutional powers which constitute judicial misbehaviour.

*At Madras High Court:*

*1. Orders contrary to settled principles and causing loss to public exchequer*

(i) *Judgment In Binny Ltd.*

Binny Ltd. was a BIFR company but subsequently came out of it. It had extremely valuable immovable properties situated in the heart of the city. These were directed to be sold under orders of Mr. Justice Dinakaran by order dated 24.09.2003 in W.P.No.14856 of 2003 (Binny Ltd. Vs AAIFR) at 35% of the guideline value. Approximately 1260 grounds of land (about 70 acres) situated in Perambur was sold to the promoters of SSI Ltd. for just Rs.62.10 crores by a process of undervaluation of shares at Rs. 800/- per share. At that time, the Government guideline value of the property was almost Rs.180 crores and the actual market value was even higher. The auction was ordered overruling the objections of the AAIFR to the abysmally low sale value.

(ii) *Income Tax case:*

The said shares were sold soon thereafter for Rs.5000/- per share.

- a). The I.T. Department issued notices to re-open assessment under section 148 of the Income Tax Act, 1961 on the basis of a complaint given by SEBI, regarding 'insider trading', and hence there was escapement of income of more than Rs. 60 crores which ought to have been taxed. It was thus clear that it was not a simple

case of long term capital gain and that income escaped assessment to be taxed as short-term capital gain. The price of the shares sold was more than Rs. 60 crores resulting in huge escapement of income chargeable to tax.

- b). Writ Petition Nos. 10607, 10608 and 10628 to 10631 of 2005 were filed by the assesseees challenging the demand notices issued by the I.T. Department and they were listed for admission on 31.3.2005 before Mr. Justice P.D. Dinakaran.
- c). No prior notice was issued to the Income Tax Department, since in Madras High Court, Writ Petitions are listed for admission *ex parte*.
- d). The Madras High Court cause list of that date shows, only the name of Counsel for the Petitioner as appearing in the case.(Annexure 2 in Volume-II is the cause list)
- e). Normally Courts do not interfere with such notices under sec.148 of the Income Tax Act, 1961, which merely call upon the assesseees to show cause as to why an assessment should not be reopened. Yet Mr. Justice P.D.Dinakaran strangely recorded that Counsel for the Income Tax Department '**conceded**' that the impugned notices had been wrongly passed, even as the said counsel who happened to be present in the Court agreed to take notice in the matter.
- f) At the admission stage itself, the Writ Petitions were allowed and Writ of Certiorari issued, viz., Rule Absolute was issued.

- g) Judgment dated 31.3.2005 of Mr. Justice P.D.Dinakaran reported in 279 ITR p 61 does not disclose the facts of the case, viz., the order of the Income Tax Department was based on the complaint by SEBI. Instead it merely sets out legal provisions and suddenly says:

“18. Mrs. Pushya Seetharaman, Learned Counsel taking notice on behalf of the respondent, fairly concedes that the objections of the Petitioners ..... were not considered

19. Learned Counsel for the respondent also concedes that the respondent committed an error apparent on the face of the record.”

- h) Writ Appeal Nos. 766 to 771 of 2005 were filed by the Income Tax Department with an affidavit of the Deputy Commissioner of Tax stating “the Writ Petition was allowed at the stage of admission itself without giving the Department an opportunity to file counter or present its argument in detail. We have verified this with our Standing Counsel and she says that she did not concede the matter.”

(i) The Writ Appeals were allowed by a Division Bench’s Order dt. 22.07.2009 (319 ITR p. 1) with severe indictment of the assessee following decisions of the Supreme Court:

“Going by the above dictum as a proposition of law and applying the same to the facts of this case, we can safely state that the nature of transaction indulged in by the assessee in the transfer of shares at two different stages and make it appear as though there was one

single transaction and the consideration and value of the shares having been received by way of single receipt and yet, sought to claim benefits in two different angles, which act of the assessee indulged in by them and which was not plainly disclosed at the time of original assessment and which came to the notice of the appellant through the report of the SEBI was sufficient for the present step, viz., for the issuance of the notice under section 147/148 to proceed with the reassessment proceedings.”

“In the light of the above legal position, we are constrained to state that the assesseees have adopted a sinister motive in challenging the notice under section 148 of the Income-tax Act and thereby thwarted the reassessment proceedings till this date. Therefore, we find no justification at all in the attempt of the respondents/assesseees in having approached this court the manner in which it was done and hence, we have no hesitation to hold that exemplary costs should be awarded as against the assesseees while allowing these writ appeals.

The Division Bench has allowed the six Writ Appeals by imposing costs of Rs.10,000/- each by an order dated 22.7.2009 in W.A.No. 766 and 771 of 2005 .

The aforesaid facts demonstrate that despite being aware of the high revenue involved, Mr. Justice P.D.Dinakaran allowed the Writ Petition without following the settled legal position and without providing any opportunity to the Income Tax department. His order cannot be called mere exercise of discretion.

On the contrary, it is an order passed with extraordinary haste and in deliberate disregard of legal principles.

The extracts from the Madras High Court cause list dt.31.03.2005, the judgment reported in 279 ITR 61, the Grounds of Appeal and the Affidavit filed by the Deputy Commissioner of Income Tax are filed as Annexures 1 to 5 in Volume II

## *2. Judicial Bias due to personal interest*

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, Mr. 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, to restrain Police authorities from interfering with the peaceful possession of its property near Chennai. Initially interim injunction was granted by Justice C. Nagappan.

One Anandhi Murthy, wife of Karuna Murthy, resident of 532, Cummer Avenue, North York, Ontario, 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, Mr. Justice P.D.Dinakaran allowed the said Anandi Murthy to be impleaded.

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.

The merits or demerits of the claim of the petitioner or the claim of Anandi Murthy are not relevant.

The said Anandhi Murthy and her husband Karuna Murthy were well acquainted with Mr. Justice P.D.Dinakaran. 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 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 11<sup>th</sup> to 15<sup>th</sup> August 2004 and received their hospitality. Later, 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 the 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.....



- 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 Mr. Justice P.D.Dinakaran lowered by his conduct. The orders passed by the judge in this case were startling and extraordinary, clearly indicative of bias. It is this conduct, which calls for scrutiny and condemnation.

(Annexures 6 to 15 of Volume-II are the judicial orders , affidavits filed in this case and the travel details of the judge and his family)

### ***3. Judicial Bias due to personal pecuniary interest***

While Mr. Justice P.D. Dinakaran's wife, Dr. Vinodhini Dinakaran, his father-in-law and mother-in-law were beneficiaries of allotment of housing plots in the Sholinganallur Neighbourhood Scheme Phase III, and the sale by the Housing Board was held up due to a challenge to the lands acquired for the said Scheme, Mr. Justice P.D.Dinakaran, heard the said challenge and rejected it by his judicial order. In W.P.No.9075/97 by his Order dated 29.01.2004 ( Kuresh A. Kapadia Vs. State of Tamil Nadu & others- 2004 (1) MLJ 630 ), the judge rejected the challenge to the land acquisition for the very same Scheme. Consequently, the way was cleared for the Housing Board to effect sale of land

to the allottees and Dr.Vinodhini and her parents were direct beneficiaries of Mr. Justice Dinakaran's judicial order. The sale deeds were thereafter registered on 01.09.2005.

His action thus amounts to being a judge in one's own cause amounting to gross abuse of office and subversion of justice.

Annexure 16 in Volume-II is the order passed by the judge.

*In Karnataka High Court*

**4. Orders contrary to settled principles of law and public interest resulting in unjust enrichment of a few individuals:**

**i) Cases relating to Vinod Goel**

- ~ W.P. 8094 of 2009 Vinod Goel representing Jantakal Enterprises filed a Writ petition to lift and transport 1,17,800 (one lakh seventeen thousand and eight hundred) metric tonnes of iron ore which according to him was mined in the year 1985.
- 1985 Vinod Goel's mining lease expired. According to him he obtained extension of lease.
- 1993 the mining area was declared a 'reserved forest area' and hence clearance under the Forest Conservation Act was mandatory.
- 1996 Accordingly he applied for clearance.
- 2008 Correspondence for clearance still continued.

2009 Vinod Goel asserted that minerals mined by him during 1965-85 were not cleared because there was no market for iron ore of grades less than 62% and 63%. The said mined mineral to the extent of 1,25,000 metric tones was lying in the dump for 24 years. He wanted permission to lift the material in 2009 as there was now a market for it and contended that since the ore was mined prior to 1985, the Forest Department could have no objection for the same.

02.03.2009 Chief Justice P.D.Dinakaran allowed the Writ Petition permitting the said Vinod Goel to lift and transport 1,17,800 metric tones of iron ore from forest land.

The order resulted in unjust enrichment of the petitioner at the cost of the State's interests. It is learnt that the order was used to carry on illegal mining and lifting of minerals.

*ii) Order contrary to earlier order*

In W.P. No. 12028 of 2008, the Petitioner M/s Jothi Brothers was granted mining lease in Forest Land mistakenly treating it as Revenue land. The Division Bench comprising of Chief Justice P.D.Dinakaran and Justice V.G.Sabahit held that such mining lease was invalid and that there was collusion between the mining lessee and government officials to treat forest land as

revenue land and obtain mining lease. The court not only directed an enquiry but also directed that damages have to be collected from the mining lessee.

**However, in W.P.No.12028 of 2008, in an identical fact situation Vinod Goel obtained a very curious order.**

A PIL was filed for cancellation of mining lease in S.N0.97 of Rajathadipura Forest Area in Tunkur District originally granted to one B.D. Hanuman Singh and subsequently transferred to Vinod Goel. The mining site was declared as a Forest in the year 1939 itself. As per Section 2 of the Forest Conservation Act, 1980 no forest land can be diverted for non-forest use without the prior approval of the Ministry of Environment and Forests, Government of India. However the State Government granted mining lease treating it as revenue land and not forest land.

But in this case the very same Division Bench headed by Chief Justice P.D. Dinakaran directed Vinod Goel to give a representation to the State Government for grant of alternate land to an extent of 71.20 acres and directed the government to consider the representation and accord preference to the said Vinod Goel over other mining lease applications.

*iii) Constituting a Full Bench to overrule a Division Bench order when Supreme Court was considering same issue*

1992 Several persons filed application for grant of mining lease from the State of Karnataka.

17.02.2003 Even as these applications were pending, the State of Karnataka issued a notification dated 17.02.2003 de-reserving all lands earlier reserved by it in the year 1958 under the Mines & Minerals (Development & Regulation) Act, 1957.

15.03.2003 Notification calling for application from the general public.

~ Writ petition Nos.18445 of 2003 & batch were filed challenging the notification dated 15.03.2003 on the ground that the application for mining leases were not considered by the Government on the wrong presumption that they were reserved, though the Act has no provision for reservation. They objected to the fact that applications of persons who applied pursuant to the notification dated 15.03.2009 were being processed and given precedence over their applications which were pending since 1992.

27.11.2006 Single Judge allowed Writ Petitions directing that applications should be considered as per the date of application and applications given pursuant to notification dated 15.03.2003 will be considered thereafter.

12.03.2009 Division Bench confirmed the order of Single Judge and the Writ Appeal Nos.850 and 1353 of 2007 were dismissed.

~ In Supreme Court SLP Nos. 12100-12101 of 2009 were filed against the Division Bench order. Notice was issued but stay of

operation of the order dated 12.03.2009 refused. SLP is still pending.

~ Other writ appeals which were filed against Single Judge's Order were posted for admission. When these Writ Appeals came up for admission before a Division Bench consisting of Chief Justice P.D.Dinakaran and Mr. Justice V.G.Sabahit, the Court was informed that the Writ Appeals were covered by the order dated 12.03.09 in W.A. No.850 of 2007 and Batch. The Court was also informed that the State Government did not file SLPs against the order and the SLPs filed by private parties were pending.

~ Chief Justice P.D. Dinakaran, however, referred the writ appeals to a Full Bench. He thereafter constituted a Full Bench that was headed by him.

**28.08.2009** The Full Bench overruled the order dated 12.03.2009 of the Division Bench in W.A.Nos.850 and 1353 of 2007 and held that the applicants who filed applications prior to 15.03.2003 will be treated as having filed the applications on 15.03.2003 and could claim no priority.

~ The merits of the individual writ petitions were to be decided by the Division Bench.

**28.08.2009** Same day, after the Full Bench order was pronounced, Chief

Justice P.D. Dinakaran listed the entire batch before a Division Bench presided over by him and dismissed the entire batch.

**By this unusual procedure, Chief Justice P.D.Dinakaran through the Full Bench overruled a decision of the Division Bench's, even as the very same decision was under appeal to the Supreme Court.**

It is believed that by this unusual process, a few business groups have been hugely benefited.

The judgments of the Karnataka High Court referred above are enclosed as Annexures 17 to 19 in Volume-II

#### **B. ARBITRARY ADMINISTRATIVE ACTIONS:**

The aforesaid facts demonstrate how Mr. Justice P.D.Dinakaran abused his administrative powers as Chief Justice of the Karnataka High Court to constitute Benches, fix rosters and assign certain cases to himself to facilitate passing of orders to favour some individuals and business interests. There are several other such instances particularly in constituting the Green Bench headed by Himself and listing several cases before it for passing extraordinary orders in mining matters. Such an action amounts to mala fide exercise of powers of the Chief Justice and completely erodes people's faith in the judiciary.

Mr. Justice P.D.Dinakaran has also abused his administrative powers as the Chief Justice of Karnataka High Court to make several irregular and illegal appointments and transfers of the staff of the High Court. He has functioned in a highly arbitrary manner and a writ petition challenging such actions was rejected by the High Court on a technical ground of maintainability and not on the merits.

These actions of the judge shake the very faith of the public in the judiciary which ought to function in an impartial and fair manner.