

Communique

NEWS LETTER FOR PRIVATE CIRCULATION AMONG THE LEGAL FRATERNITY

Volume 6

September 1994

Part 6

Janata Dal Legal Cell Meet

A convention of Advocates backing Janata Dal was held at Bangalore on 3.9.94. The convention which was presided over by Sri S. R. Bommai was inaugurated by Sri H. D. Devagowda. The working session discussed six topics. Sri J. H. Patel spoke on the role of media and voters in Democracy. Prof. A. Lakshmi Sagar spoke on the role of Advocates in Democracy. Sri M. C. Nanaiah spoke on the responsibility of the elected representatives in Democracy. Sri D. Manjunath spoke on reservation in the vision of Dr Ambedkar. Sri Siddaramaiah spoke on the social justice, secular values and political parties. Sri R. V. Deshpande spoke on the role of judiciary in Democracy. The concluding session was addressed by Sri Ramakrishna Hegde.

The convention adopted ten resolutions concerning the legal fraternity & other topics of national concern. The resolutions adopted are - Prescription of law degree as qualification for appointment of IAS, IPS, KAS, Inspector and Sub Inspectors posts; expressing opposition to India signing GATT & accepting conditionalities of IMF; abolition of Professional Tax for lawyers & providing stipend to the Lawyers belonging to socially backward, Minority, SC and ST for a period of four years; demanding suitable amendment to the People's Representation Act & other electoral Laws so as to enable every voter to exercise franchise without fear; demanding formulation of National Irrigation Policy and Mechanism to give speedy disposal of Inter state

water disputes; to abolish Indian Trust Act to avoid leakage of revenue; demanding restoration of Zilla Parishad & Mandal Panchayat Legislation as brought forth by the erstwhile Janata Government; demanding Arbitration Forum by referring the international disputes concerning India to Indian Courts by not submitting to the GATT Forums; demanding reservation of opportunities to OBCs in the light of the Supreme Court Judgment instead of creating confusion & creation of special Courts to try the allegations of corruption against the Prime Minister, Central and State Ministers and high ranking officials.

BJP Legal Cell Meet

Sri Venkaiah Naidu, General Secretary of BJP recently inaugurated the legal cell meeting of the State BJP at Bangalore on 6-9-94. He called upon the intelligentsia to join the mainstream politics. Sri K. S. Eshwarappa, Sri B. S. Yediyurappa, Sri H. N. Nanje Gowda and several other spokesmen of the party also addressed the meet. Sri C. V. Guruvu Gowda, convenor of the cell welcomed the participants.

Sri K. N. Subba Reddy who recently joined the party said that hundreds of his professional colleagues were eager to join the party.

Attention Please

The Revenue Stamp to be affixed on receipts is Rs. 1-00 on all payments received above Rs. 500-00. No stamps need be affixed for transactions of less than Rs. 500-00.

Justice Nanavati the new C. J.

Justice G. T. Nanavati, presently Chief Justice of Orissa High Court, has been appointed as the Chief Justice of Karnataka High Court.

Justice S. Saghir Ahmed, currently Chief Justice of Jammu and Kashmir High Court has been appointed as the new Chief Justice of Andhra Pradesh High Court.

Justice A. V. Mohta, a Bombay High Court Judge, has been appointed as the new Chief Justice of Orissa High Court, while Justice Gulab Chandra Gupta of Madras High Court will take over as the Chief Justice of Himachal Pradesh High Court. Justice S. N. Phukan of Guwahati High Court has been shifted to Himachal Pradesh High Court as a Judge.

Singapore Lawyers visit to State

Law Society of Singapore has arranged a tour of major Indian cities in India in which the lawyers from Singapore will have an opportunity to acquaint themselves with the Indian Judicial system. The tour is to last from 18th to 28th Sep. 94. The team is expected to arrive in Bangalore on 24th instant and to visit Mysore on 25th.

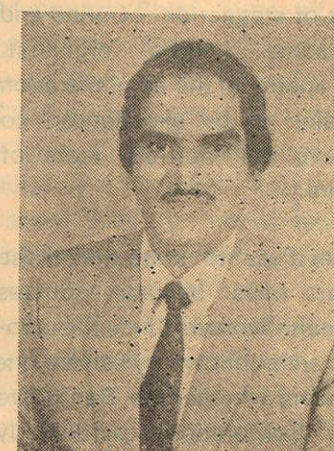
Elevation of Justice Majmudar

Justice S. B. Majmudar, the Chief Justice of High Court of Karnataka has been appointed as the Judge of Supreme Court of India. In this connection AAB had arranged a farewell function on 13-9-94 at the High Court Unit.

New Achievements



Ms. Kokila Sudha, a lady member of the Bangalore Bar, has been selected to be a member of the great Indian Women's Rafting Voyage '94 under the leadership Ms. Bachendri Pal, the conqueror of Mount Everest. Kokila Sudha has already undergone advance course in Himalayan Mountaineering. Lahari wishes her and her teammates greater success in their new endeavour. Tata Steel Adventure Foundation has sponsored this voyage. It is heartening to note that Kokila Sudha has also been the recipient of a scholarship from Arora-Prabhu Memorial Committee, Bombay, for her contribution in the field of adventure sport.



Mr. K. M. Manamohan, Advocate and Notary of Bangalore,

(continued on page 4)

After all, that is what laws are for, to be made and
unmade
— Emma Goldman

Stinking Toilets & Stunning Apathy

Any visitor to Bangalore City Civil Court Complex cannot return without experiencing the constant foul smell emanating from the toilets. However the authorities entrusted with the task of maintenance of these toilets doesn't seem to bother about this. After all these toilets are not meant for them but only the gullible lawyers & the litigants do use them.

One may be interested to note that all the floors in the Court Complex are not provided with the toilets and or they are kept under lock in some floors. Added to this the staircase leading to the roof of the sixth floor and the additional apron space provided by the side of the western staircases remain permanently left without cleaning / sweeping. These apron spaces are used for throwing dust & spitting thereby converting them to be dust bins/spittoons. It is surprising to note that this largest complex is not provided with any spittoons and portable dustbins.

The condition of available toilets is so bad that some of them are slippery or without water supply or periodical cleaning. Either the taps, pipes and tubes are not there or they are not operating. Some of the toilets have become unusable on account of stagnation of urine and in some cases nightsoil. The apathy of the administration remains to be experienced to believe the horrible state of affairs.

Needless to state that these toilets have become sources of health hazard. Since these toilets are public utility service one wonders whether the Bangalore City Corporation, particularly its Health Wing, can take some action against the concerned for the shabby maintenance of the toilets and allowing them to be sources of health hazard?

Before any such intervention takes place should we hope that the authorities will raise from slumber and take immediate remedial measures?

Jurist Commission Seminar

Karnataka Commission of Jurists proposes to hold a Seminar at Mangalore on Sunday the 30-10-94. The subject of the seminar has been decided as "Judicial Administration & Speedy Justice". The delegates' fee will be Rs. 50/-. All interested Advocates may write to the Secretary, Karnataka Commission of Jurists, High Court Building, Bangalore-1.

Belgaum Lawyers Stir

Advocates of Belgaum boycotted Court work from 18th to 27th August 94 protesting against attack of an Advocate Akshay R. Apte by the Circle Inspector of Police, Khade Bazar, Belgaum. As a result the police have filed an FIR against the CPI for offences punishable under Section 166, 323, 504 & 506 IPC.

In a special General Body Meeting convened on 26-8-94 AAB adopted a resolution "Strongly condemning the high handed action of Sri Singhai, Circle Inspector of police, Khade Bazar, Belgaum on Mr. Akshay R. Apte and to request the Home Minister and DGP to keep the concerned police officer under suspension pending enquiry."

H. C. Working Hours

With effect from 16-8-94 the working hours of the High Court has been rescheduled. Now the working hours are 10-30 a.m. to 1-30 p.m. and 2-30 p.m. to 4-30 p.m.

Campus Watch

□ Prof. V. Narayanaswamy has been nominated to the Academic Council of the Bangalore University for a period of one year from 25-8-94.

Article 356 - Scope of Judicial Review

Justice (Retd.) M. Rama Jois

(from the last issue)

Briefly stated, the case arose on account of the proclamation issued by the President of Pakistan in exercise of his powers under article 58 (2)(b) of the Constitution of Pakistan on 18-4-93 dissolving the Pakistan National Assembly and dismissing the Prime Minister and his Cabinet. Petitions challenging the legality of proclamation were filed before the various High Courts of Pakistan and the Supreme Court, under article 184 (3) between 20-4-93 & 10-5-93. An eleven Judge Bench presided over by Nasim Hassan Shah, CJ, heard the matter expeditiously and pronounced the Judgment on 26th May 93. The operative portion of the Judgment reads:

"We hold by majority (of 10 to 1) that the petition is maintainable under Article 184 (3) of the Constitution.

On merits, by majority (of 10 to 1) we hold that the order of the 18th April, 1993, passed by the President of Pakistan is not within the ambit of the powers conferred on the President under Article 58 (2) (b) of the Constitution and other enabling powers available to him in that behalf and has, therefore, been passed without lawful authority and is of no legal effect.

As a consequence of our order, the National Assembly, Prime Minister and the Cabinet shall stand restored and entitled to function as immediately before the impugned order was passed.

All steps taken pursuant to the order, dated 18th April 93, passed under Article 58 (2) (b) of the Constitution such as the appointment of the Care-taker Cabinet, etc, will, therefore, be of no legal effect. However, all orders passed, acts done & measures taken in the meanwhile by the Care-taker Government which have been done, taken & given effect to in accordance

with the terms of the Constitution and were required to be done or taken for the ordinary orderly running of the state shall all be deemed to have been validly and legally done". All Pakistan Legal Decisions 1993 Supreme Court page 473 at page 571.

The judgment has received accolade from the entire Democratic World and the Press in various Countries. The 'Statesman' New Delhi in its editorial dated 28-5-93 said:

"Full text of the judgment bids fair to become compulsory reading wherever democracy is cherished and the rule of law is respected".

Another contention which is being raised against the judicial review of the presidential proclamation under article 356 has been that, article 74 (2) provides that the question whether any and if so what advice was tendered by ministers to the President shall not be inquired into by any Court. This objection is also untenable. Every executive action of president is always pursuant to the advice tendered by the ministers or council of ministers. If this objection were to be accepted it would mean no executive action by the president can be subjected to judicial review. The clear purport of clause (2) of article 74 is to the effect that the court cannot call up on the Government to produce the advice tendered by the ministers to the president before the Court. It has nothing to do with the power of judicial review. Whenever a prima-facie case is made out that the action of the president under article 356 or under any of the Provisions of the Constitution is based on irrelevant considerations or is based on collateral consideration or there is no nexus between the basis on which the president acted and his action or his act on is mala fide, in view of

(to be continued)

Around the Courts

□ N.D.P.S. Act, Misjoinder of charges and ambit of Sec.37:

In a judgment delivered during third week of August 94 a Division Bench of the Bombay High Court has held that misjoinder of charges against the accused to be tried under N.D.P.S. Act. cannot form a ground for bail. Justices V. A. Mohta and Vijay Bahuguna have ruled that in cases involving a number of accused arrested separately for separate offences in a single case for offences punishable under the N.D.P.S. Act misjoinder of charges shall not constitute a ground for seeking bail and they have reserved liberty to the prosecution to move the Courts for cancellation of bail on the basis of the ratio of this case.

Justice M.S. Rane had referred the case to the Division Bench to clarify on two issues i.e., (1) if the police files one common report or charge sheet for various offences whether the same could be misjoinder of charges entitling the bail to the accused as of right? (2) whether the Criminal Procedure Code is limited by the provisions of Sec. 37 of the N.D.P.S. Act with regard to the bail matters?

The Division Bench held that Sec. 37 of the N.D.P.S. Act overrides the provisions of Cr.P.C. concerning grant of bail and the misjoinder of charges being a mere technicality cannot constitute a ground for grant of bail.

□ Power of the Registrar of High Court to prefer Writ Appeal against the order of the Single Judge:

In a Judgment delivered during the last week of August 94 a Division Bench of the Madras High Court has upheld the right of the Registrar of Madras High Court to challenge the correctness of the judicial order passed by a Single Judge of the Court. The Bench observed that "once a person is made

a party to a judicial proceeding, whether he is the administrative head of the court or not he is entitled to challenge the correctness of the judicial order".

The Bench Consisting of Justices M. Srinivasan and S.S. Subramani also expressed its anguish that the Single Judge had made unwarranted observation against the Division Bench which entertained the Registrar's appeal and observed that it was not the judicial propriety for a Single Judge to make a comment on a Division Bench admitting the appeal from a party or affixing the seal of its approval on the right of filing the appeal by the party. They held that the Single Judge ought not to have made comments either on the conduct of the administrative head of the High Court (The Registrar) or on the acceptance of the appeal by the Division Bench. The Single Judge had made a remark in his order that "unfortunately the action of the administrative head of this court has been affixed with the seal of approval by the Division Bench of this Court."

This interesting case has the following background:

On January 17th 1994 the Registrar transferred T. Vel Murugaian, Deputy Registrar, Small Causes Court, Madras, to the C.J. M's Court in Trichy as its Head Clerk. The aggrieved official challenged this transfer in a Writ Petition and Justice Bhakthavatsalam (now a Judge of the Karnataka High Court) stayed the operation of the transfer order. The Registrar filed an I.A. seeking to vacate the stay order but in vain. The Single Judge while dismissing the I. A. directed the Registrar to restore the Writ Petitioner to his original post.

Aggrieved by this Order the Registrar preferred a Writ Appeal.

(continued on page 4)

Scuffle between Lawyers and Court staff

An instance of atleast 15 persons, including the Secretary of the District Bar Association having been injured in a clash between the Advocates & the District Judges Court's Officials of Muzaffarnagar [U. P.] in the Court compound has recently come to light. According to the Police the trouble started when some Advocates went to the District Judge's chamber to complain about some employees. At that instance an altercation took place between the Advocates and the Court officials. Valuable court properties were damaged in the clash. Police had to resort to lathi charge to disperse the clashing groups.

Subsequently a group of Advocates gheraoed the District Judge requiring tightening of the Police security in the Court premises.

Free Jaipur Leg

Between 18th to 25th October 94 Rotary Club of Bangalore, Peenya, has proposed to organise a camp in Bangalore for donating Jaipur Leg to physically handicapped persons. They also propose to donate artificial limbs to amputees and calipers for polio affected Needy persons may write to Mr. Sridhar R. Hiremath, Advocate, No. 161, 1st Main, 1st Cross Road, Nagappa Street, Sesha-dripuram, Bangalore - 560020.

Professional Misconduct Proved

the Karnataka State Bar Council has reprimanded Sri R. K. Sridhara Murthy, Advocate, Colla Complex, Avenue Road, Bangalore -2 for having committed professional misconduct.

Power disconnection

From the afternoon of 2.9.94 to 3.9.94 the K E B authorities disconnected power supply to the Bangalore Metropolitan Magistrates Court Complex on the ground that arrears of bills to the tune of Rs. 40,000-00 remained unpaid.

Point Blank

□ While there are currently as many as 105 terrorist camps in the (Kashmir) Valley every institution including hospitals, the bar Council and the mosques has become a source of terrorism sponsored by Pakistan.

—Mr. Muthukumar, retired Commander of BSF, while recently addressing the members of AAB.

□ Justice never reaches a consumer in the manner it should reach him. Now a days, People hesitate to come to courts because of delay in disposal of cases, May be our laws are defective.

—Justice U. L. Bhat, Chief Justice of M P High Court, while recently addressing the members of AAB.

□ It was surprising that the country's laws were such that people charged with such grave offences as those of prime accused Harshad Mehta had managed to get bail while other accused of relatively lesser crimes were refused bail.

—Mr. V.C. Shukla, Union Minister for Parliamentary Affairs, while recently addressing a press conference after the conclusion of the Monsoon Session of Parliament.

New Court Complex For Gadag

On 27.8.94 Justice S. B. Majmudar, Chief Justice of High Court of Karnataka, inaugurated New Court Complex for Civil Judge, Gadag, by lighting a lamp. In his speech after inauguration Justice Majmudar called upon the concerned to co-operate in delivering speedy and inexpensive justice. The function was presided over by Sri Harnahalli Ramaswamy, the State Law Minister. Ministers Sri H.K. Patil, Sri Gopinath Sandra, Sri Hindisgeri, Justice R. V. Ravindran and several other dignitaries participated in the function.

New Achievements

(continued from page 1)

was recently awarded Rajiv Gandhi National Unity Award for Excellence by the All India National Unity Conference, New Delhi. The presentation of the award was received by Mr. Manamohan from Hon'ble Mr. Shivaraj Patil, speaker of the Lok Sabha. Lahari Congratulate Mr. Manamohan on his achievement.



An upcoming Lawyer from Bangalore has been awarded P.Hd. (law) by the Nagpur University during September 94 Dr. V. C. Jagannath, Advocate, is the illustrious son of late Dr. V. C. Narasimha. The thesis submitted by Dr. V. C. Jagannath pertains to the "Theory of basic structure and the Indian Constitution." Dr. Jagannath did his research fellowship under the able supervision of Prof. (Dr.) A. Lakshminath, Head of the Department of Law, Andhra University, Vishakapatnam. Lahari congratulates Dr. Jagannath on his latest achievement.

NJA Foundation Laid

Justice M. N. Venkatachaliah, the Chief Justice of India called upon the Judiciary to evolve mechanisms for speedy disposal of pending cases. He was speaking at a function in Bhopal on 11-9-94 after laying the foundation stone for the proposed building complex to house the National Judicial Academy. The Academy will be directly under the control and supervision of the Supreme Court of India while the entire expenditure will be met by the Union Government. Hon'ble H. R. Baradwaj, Union Minister for law presided over the function.

Court Ransacked Judge Assaulted

A report to the effect that on 12-9-94 a section of the Advocates ransacked the Family Court of Calcutta and assaulted the Judge Mr. S. N. Ganguly has been received. The court was scheduled to be formally inaugurated by Mr. Jyoti Basu, the Chief Minister of West Bengal at 4 p.m. on that day in the presence of the State Law Minister, Chief Justice of Calcutta High Court, the State Advocate General and other dignitaries.

According to West Bengal Lawyers' Association President Mr. Swaradendu Biswas, the action of the Advocates was in protest against the decision barring the lawyers from appearing in the Family Court. He said that the agitation will continue until suitable amendment is made in the W. B. Family Courts Act permitting lawyers to represent the parties. However on 13-9-94 the Family Court was formally inaugurated by the West Bengal Chief Minister.

Miscellany

□ With effect from 17-7-94 Mohamed Naimathulla, Advocate, is functioning from his new law chamber No. 37/2, Ground Floor, Sheik Complex, Mysore Road, Bangalore-2.

□ Sampige & Paul : On 19-8-94 Shanmukha Sampige and T.K. Vinay Paul, Advocates, opened their new chamber at No. 4/1, 1st Floor, P R. Lane, Behind Khadi Bhavan, S.J. Park Road Cross, Bangalore-2.

□ During April 94 M. G. Srinivas, Advocate, opened his Law Chamber at No. 290, opp. Annamma Temple, Subedar Chattram Road, Bangalore-9. Phone : 2268006.

□ Justice V. S. Malimath has been appointed as a member of the National Human Rights Commission.

ಲಿಟರರಿ ಯೂನಿಯನ್

□ ತಾ|| 27-8-94 ರಂದು ಲಿಟರರಿ ಯೂನಿಯನ್ ಆಶ್ರಯದಲ್ಲಿ ವಕೀಲರಿಗಾಗಿ "ಪ್ರಥಮಾಕ್ಷರಿ" ಸ್ಪರ್ಧಾ ಕಾರ್ಯಕ್ರಮವನ್ನು ಏರ್ಪಡಿಸಲಾಗಿತ್ತು. ಚಲನಚಿತ್ರ ಗೀತೆಗಳ ಆಧಾರಿತ ಸ್ಪರ್ಧೆಯಲ್ಲಿ ಕುಮಾರಿ ನಾಗರತ್ನ-ಪ್ರಥಮ, ಕುಮಾರಿ ಪ್ರಜ್ವಲತ-ದ್ವಿತೀಯ ಹಾಗೂ ಶ್ರೀ ರಾಧಾನಂದನ್ - ಮತ್ತೂ ಕುಮಾರಿ ತೇಜಸ್ವಿನಿ ರವರು - ತೃತೀಯ ಬಹುಮಾನ ಪಡೆದರು.

□ ತಾ|| 2-9-94 ರಂದು ಖ್ಯಾತ ಬರಹಗಾರ ಹಾಗೂ ಸಂಶೋಧಕ ಡಾ|| ಎಮ್. ಚಿದಾನಂದ ಮೂರ್ತಿಯವರ ಉಪನ್ಯಾಸ ಕಾರ್ಯಕ್ರಮ ಏರ್ಪಡಿಸಲಾಗಿತ್ತು. "ಸರ್ ಎಂ. ವಿಶ್ವೇಶ್ವರಯ್ಯ ನವರ ಕನ್ನಡಪರ ಚಿಂತನ" ಎಂಬ ವಿಷಯದ ಬಗ್ಗೆ ಶ್ರೀಯುತರು ಮಾತನಾಡಿದರು.

□ ತಾ|| 4-9-94 ರಂದು ವಕೀಲರ ಮಕ್ಕಳಿಗಾಗಿ ಸ್ಥಳದಲ್ಲೇ ಚಿತ್ರ ಬರೆಯುವ ಸ್ಪರ್ಧೆ ಏರ್ಪಡಿಸಲಾಗಿತ್ತು. ನಲವತ್ತುಕ್ಕೂ ಹೆಚ್ಚು ಮಕ್ಕಳು ಸ್ಪರ್ಧೆಯಲ್ಲಿ ಭಾಗವಹಿಸಿದ್ದರು.

ಗಣೇಶೋತ್ಸವಗಳು

□ ವಾರ್ಷಿಕ ಗಣೇಶೋತ್ಸವವನ್ನು ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ವಕೀಲರ ಸಂಘದ ಸಭಾಂಗಣದಲ್ಲಿ ವಿಜೃಂಭಣೆಯಿಂದ ಆಚರಿಸಲಾಯಿತು. ಮಾಮೂಲಿನಂತೆ ವಕೀಲ ಮಹಂತೇಶ್ ಹೊಸಮಠ ರವರು ಕಾರ್ಯಕ್ರಮದ ಮುಂದಾಳತ್ವ ವಹಿಸಿ ಗಾಯನ ಹಾಗೂ ಸಾಂಸ್ಕೃತಿಕ ಕಾರ್ಯಕ್ರಮಗಳನ್ನು ಏರ್ಪಡಿಸಿದ್ದಲ್ಲದೆ ಪ್ರಸಾದ ವಿನಿಯೋಗದ ಬಗ್ಗೆಯೂ ಹೆಚ್ಚಿನ ಕಾಳಜಿ ವಹಿಸಿದ್ದರು.

□ ಬೆಂಗಳೂರು ವಕೀಲರ ಸಂಘದ ನಗರ ಸಭಾಂಗಣದಲ್ಲಿಯೂ ಸಹ ಗಣೇಶೋತ್ಸವವನ್ನು ವಿಜೃಂಭಣೆಯಿಂದ ಆಚರಿಸಲಾಯಿತು.

□ ಮೆಯೋಹಾಲ್ ಮತ್ತು ಮ್ಯಾಜಿಸ್ಟ್ರೇಟ್ ಘಟಕಗಳಲ್ಲಿಯೂ ಸಹ ವಕೀಲರ ಸಂಘದ ವತಿಯಿಂದ ಗಣೇಶೋತ್ಸವವನ್ನು ವಿಜೃಂಭಣೆಯಿಂದ ಆಚರಿಸಲಾಯಿತು.

□ ಬೆಂಗಳೂರು ವಕೀಲರ ಗುಮಾಸ್ತರುಗಳ ಸಂಘದವರೂ ಸಹ ಗಣೇಶೋತ್ಸವವನ್ನು ಮಾಮೂಲಿನಂತೆ ಆಚರಿಸಿದರು.

ಬೆಂಗಳೂರು ವಕೀಲರ ಸಂಘ

□ ತಾ|| 22-8-94 ರಂದು ಸಂಘದ ಸಭಾಂಗಣದಲ್ಲಿ ಗುರುಪ್ರಸಾದಿತ ಯಕ್ಷಗಾನ ಮಂಡಳಿ, ಸಾಲಿಗ್ರಾಮ (ದ.ಕ.) ಹಾಗೂ ಅತಿಥೇಯ ಕಲಾವಿದರಿಂದ "ಗದಾಯುದ್ಧ" ಎಂಬ ಯಕ್ಷಗಾನ ನಾಟಕ ಪ್ರದರ್ಶನ ಏರ್ಪಡಿಸಲಾಗಿತ್ತು.

□ ತಾ|| 1-9-94 ರಂದು ಚಿನ್ನಯ ಮಿಷನ್ ಸ್ವಾಮಿ ಬ್ರಹ್ಮಾನಂದ ರವರು ಡಾ|| ಡಿವಿಜಿ ಪ್ರಸಕ್ತ "ಮಂಕುತಿಮ್ಮನ ಕಗ್ಗ" ಕುರಿತು ಭಾಷಣ ಮಾಡಿದರು.

Around the Courts

(continued from page 3)

Since the Writ Petitioner subsequently agreed to join duty at Tirchy, the writ Appeal came to be dismissed. Subsequently the Single Judge came to dismiss the writ petition as the same had become infructuous. The Judge however held that the Registrar should not have taken the matter in appeal. The Judge also noted that if the order of the Court was not obeyed by the administrative head of the same Court how the Court could expect its order to be obeyed by administrative authorities & executive. It was also remarked when a Judicial order was issued by the Court it had to be obeyed first and the remedy is not to challenge the said order in a writ Appeal.

The Registrar in his Appeal contended that the order would prevent him in future from filing any appeal or challenge in an appropriate Forum any Judicial orders passed by the Court not withstanding the fact that the writ petition filed by T. Vel-Murugaian had been dismissed as having become infructuous.

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