

FORUM FOR JUDICIAL ACCOUNTABILITY

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

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1st October, 2009

To

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

Hon'ble Mr.Justice B.N. Agarwal

Hon'ble Mr.Justice S.H. Kapadia

Hon'ble Mr.Justice Tarun Chatterjee

Hon'ble Mr. Justice Altamas Kabir

**Supreme Court of India,
New Delhi.**

Sirs,

Sub: Details of more acquisitions by Justice P.D.Dinakaran

Ref: Our Representations dated 09.09.09 and 17.09.09.

Subsequent to our earlier representations referred to above additional information regarding amassing of further properties and ***exercise of judicial powers to decide cases in his own cause*** by Justice P.D.Dinakaran has emerged. The information furnished below also provides further documentary proof of his acquisitions detailed in our earlier representations.

I. Three housing plots from Tamil Nadu Housing Board near IT Corridor, Chennai in 2005.

1. In the year 2005, 3 plots of 3600 – 3800 sq.ft. each were obtained by Dr.Mrs. Vinodhini Dinakaran and the two daughters Amudha and Amirtha. The plots for the daughters were applied for first in the names of Mr.James Kuppusamy, father-in-law (then aged 83 years) and Mrs. M.G. Paripoornam, mother-in-law (then aged 73 years). The plots were allotted by the Tamil Nadu Housing Board at Sholinganallur Village Neighbourhood Scheme Phase III, Tambaram Circle, Kancheepuram District. Sholinganallur is a suburb near the IT Corridor of Chennai City and any property there is considered as prime property.

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The allotments have been made in violation of many eligibility conditions prescribed by the Tamilnadu Housing Board.

The father-in-law and mother-in-law of Justice P.D.Dinakaran are learnt to have said in their applications to the Housing Board that they were not assessed to income-tax and their annual income was only Rs.56,668/- and Rs.49,200/-, respectively. Thus they were not even eligible for the allotment under the High Income Group for plots (annual income above Rs.90,102), from the Housing Board.

2. Shocking modus Operandi to secure property beyond limit under a public housing scheme and acting as Judge in own cause

i) Joint Applicants:

Three joint applications were made on 19.06.2002 for allotment by the Tamilnadu Housing Board by:

- a) One V.Sarala (relationship not known) and Dr. Vinodhini Dinakaran (wife)
- b) James Kuppusamy (father-in-law) and P. Vimala (sister of P.D.Dinakaran) and
- c) J. Williams (brother-in-law) and Mrs. M.G. Paripoornam (mother-in-law)

(ii) Withdrawal of co-applicants:

The joint-applicants withdraw on the same date, 27.03.2003, thus leaving Dr. Vinodhini (wife), James Kuppusamy (father-in-law) and M.G. Paripoornam (mother-in-law) as the sole applicants.

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(iii) 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:

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

(iv) Cost of purchase:

The sale deed for the properties were registered on 01.09.2005 for Rs.6.90,770, Rs.5,15,900/- and Rs. 5,15,900/-, respectively. This is gross undervaluation. However, the Housing Board actually seems to have asked for escalated cost of Rs.8-11 lakhs. That the latter is the actual value is clear from the entry two days later on 03.09.2005 as shown below.

v) 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 effect a “ settlement” of their plots on 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. The value of the property is shown as Rs.8,59,824/-. Within two days the value shoots up by 3.5 lakhs, which is the real value.

The Encumbrance Certificate dt.30.09.2009 and a translation of relevant entries are enclosed.

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3. Allotments in violation of Rules:

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

- a) As per the Board's condition No.1 for registration, not more than one plot per family can be allotted, whereas the father-in-law and mother-in-law of Justice P.D.Dinakaran have been given two separate plots. This condition was further defeated when the two daughters of Justice P.D .Dinakaran were given the plots on settlement, even as their mother had been allotted a plot.
- b) According to condition No.1, a person owning any property in any town in India is not eligible to apply, whereas Dr. Vinodhini Dinakaran, who already owns property at No.28, East Park Road, Shenoy Nagar, Chennai was allotted a plot.
- c) James Karuppusamy, the father-in-law and M.G.Paripoornam, mother-in-law with Rs.56,668/- per annum and Rs.49,200/- per annum, respectively, fell below the minimum eligible income limit for a High Income Group allotment, but were still given the plots. It is reliably learnt that these income details were declared by them in their applications in June 2002 to the Tamilnadu Housing Board.

4. Subversion of justice for personal gain

While 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 Housing Board was yet to effect the sale in their favour, on the judicial side the judge decided 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) and upheld 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 Justice Dinakaran's judicial order. The sale deeds were thereafter registered on 01.09.2005. This is gross abuse of office and subversion of justice.

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II. Property at Ooty, Nilgris District, Tamil Nadu in 2009. (market value Rs.8 -9 Crores)

1. Document - 4.5 Acres property with a bungalow in
No.1078/2009 dt Survey No.4813/1C has been purchased in
28.08.2009 registered with the name of Mrs. Paripoornam, wife of late
Sub-Registrar I, Ooty. James Kuppusamy, mother-in-law of Justice
P.D. Dinakaran, at the end of August 2009.

2. 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 clear
from the Encumbrance Certificate which is enclosed. The Registration
Department has raised an objection under Sec.47-A of the Indian
Registration Act and the dispute is pending.

3. It is learnt that the parents in-law did not have resources to support
such investments, which is also apparent from their declarations in their
applications to the T.N.Housing Board. Mrs. Paripoornam, mother-in-law of
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.

III. Cost of properties at Shenoy Nagar and Anna Nagar, Chennai.

In our earlier representation we pointed out to the acquisition of
property by Justice P.D. Dinakaran at Shenoy Nagar and Anna Nagar,
Chennai. We now have further information and details in respect of the
same.

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A. *Property at 27 & 28, East Park Road, Shenoy Nagar, Chennai, (Office Complex).*

The Shenoy Nagar property seems to have been partly purchased before and partly after the appointment of Mr.P.D. Dinakaran as judge of Madras High Court

The Encumbrance Certificate dated 30.09.2009 for 28, East Park Road enclosed herewith reveals:

- a) 3236 sq.ft. - purchased by Mr.P.D.Dinakaran and Dr. K.M.Vinodhini Dinakaran in 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 15.07.2002

Since, the second purchase was undervalued proceedings under Sec. 47A(1) of the Indian Registration Act were taken and finally a stamp duty of Rs. 1.49,721/- was paid. As per Government Guideline value of Rs.1069/- per sq.ft., the cost was Rs.28,73,472/-

B. *Property at J-81, Anna Nagar, Chennai, jointly purchased by 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/-) during 2005-2006 totals to Rs.90,50,040/-. (see EC sent with our Representation dated 17.07.2009).*

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IV. Loans availed

It is learnt that 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 two loans from Indian Overseas Bank, Anna Nagar, Chennai (see EC dt. 23.09.2009 for 28, East Park Road, Shenoy Nagar, Chennai)

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

b) 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 (i) to (iii) above.

It is learnt that the required EMI payments for these loans are close to Rs.3 lakhs per month.

V. Other Violations

1. Chennai Metropolitan Development Authority approval plan dated 07.09.2007 granted to Dr.Vinodhini Dinakaran, sanctions an office building with stilt+4 floors at No.27 & 28, East Park Road, Shenoy Nagar, Chennai. However, 5 floors have been built. 5th Floor is wholly illegal, yet the CMDA has on inspection issued a Completion Certificate on 10.07.2008.

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2. Earlier, we had detailed the encroachment of public property by the judge and his family in village Kaverirajapuram. We enclose herewith independent reports from national dailies and news magazines in this regard, which show that the dalits and the landless poor in the village are living in mortal fear and have been deprived of access to Government lands and common village properties because of the illegal encroachment by the judge and his family. The reports are as follows:

- a) “*The Hindu*” dt. 23.09.2009,
- b) “*Mail Today*” dt. 24.09.2009,
- c) “*The Indian Express*” dt. 27.09.2009,
- d) “*The Pioneer*” dt. 20.09.2009 & 21.09.2009,
- e) “*Outlook*” dt. 05.10.2009.

VI. Operation – Personal Aggrandisement A Fraud on Public Trust

Corporate façade: We have already set out in our earlier representations how hundreds of acres of lands are reported to be partly acquired by four companies, viz.,

- i) Dear Lands (India) Pvt. Ltd.
- ii) Amudham Gardens Pvt. Ltd.
- iii) Amirtham Gardens Pvt. Ltd. and
- iv) Canaan Gardens Pvt. Ltd.

The relationship of the Directors in the four Companies are given in the annexed chart. It will be seen that James Kuppusamy (father-in-law), M.G.Paripoornam (Mother-in-law), P.Vimala (Sister) and J.Williams (Brother-in-law) are persons of poor financial resources as given in their applications to the Housing Board in 2002 and were not even Income Tax payees then. Yet companies are incorporated in 2001 with substantial shareholdings shown for each of them.

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Benami transactions: A cursory glance at the manner of acquisition of properties by Justice Dinakaran’s wife and children reveals a clear pattern. Properties are initially purchased in the name of the aged parents-in-law and subsequently “settled” in the name of Dr.Vinodhini (wife) or Ms. Amudha Dinakaran or Ms.Amirtha Dinakaran (daughters). For instance the 30% share in house site in Anna Nagar first purchased 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 was bought jointly by Justice P.D.Dinakaran and his wife.

A similar pattern is evident in the Housing Board Allotments where the applications were made by the aged parents-in-law of Justice P.D.Dinakaran along with one other individual who subsequently withdraw the application and the final allotment is made in the name of the parents-in-law. Within two days thereafter, the parents-in-law have settled these properties in the name of the two daughters of Justice P.D.Dinakaran.

The expensive property in Ooty has also been bought in August 2009 in the name of the aged mother-in-law, Mrs.Paripoornam who is now close to 80 years.

Fraud on public exchequer: There is also systematic and gross undervaluation of the properties at the time of every registration of the sale deeds, in order to evade payment to the public exchequer.

The information and materials submitted by us so far, show clearly that the assets possessed by Justice P.D. Dinakaran, his wife and children are disproportionate to the known sources of his income. The so called ownership of properties by his extended family is eyewash, as is clear from their financial status and the fact that the property is invariably given over by ‘settlement’ to either Justice P.D. Dinakaran’s wife Dr.Vinodhini Dinakaran or their two daughters. The veil of ostensible documentations and

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corporate operations cannot hide the fact that the real ownership lies with Justice P.D.Dinakaran, who has gained wealth through illegal and corrupt means.

As persons interested in the integrity and independence of the judiciary we are greatly alarmed and shocked at the machinations and deception by a holder of high judicial office. Using the immunity attached to the Constitutional post, Justice P.D. Dinakaran has with impunity committed acts which are illegal, immoral and unethical. Far from holding office in public trust, he has committed fraud and operated the system for personal aggrandisement. The moral authority of the judiciary to judge those who are brought to justice to face charges of corruption and public wrongs will be completely eroded if Justice P.D.Dinakaran is allowed to continue as a judge anywhere.

If Rule of Law has to prevail, we strongly feel and urge that

- (i) an immediate investigation and enquiry should be initiated into the allegations against Justice P.D.Dinakaran, Chief Justice of Karnataka High Court and action for his removal through impeachment should follow and
- (ii) until the process of investigation, enquiry, impeachment and removal is over, Justice P.D.Dinakaran should not be allowed to discharge his judicial or administrative functions

This case also brings to attention the gaping void in our Constitutional law that does not provide for any immediate suspension of a judge of the higher judiciary, whose continuance so seriously compromises the integrity of the judicial system. While there are precedents, where a Chief Justice of a High Court or the Supreme Court of India can withhold allotment of judicial functions to a judge pending enquiry, there are no precedents where the conduct of the Chief Justice itself is in question.

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We therefore appeal to you as members of the Supreme Court Collegium to intervene urgently to advise Justice P.D.Dinakaran, Chief Justice of Karnataka High Court to desist from exercising any judicial or administrative functions pending completion of an enquiry and a final decision on the same.

Yours faithfully,

sd/-
R. Vaigai

sd/-
Sriram Panchu

sd/-
Anna Mathew

sd/-
S.S.Vasudevan

sd/-
Geeta Ramaseshan

sd/-
T.Mohan

sd/-
N.L.Rajah

sd/-
D.Nagasaila

sd/-
Sudha Ramalingam

sd/-
S.Devika