

Dinakaran's elevation put on hold

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[The Hindu](#) The Supreme Court collegium decided to put on hold the elevation of Chief Justice of the Karnataka High Court P.D. Dinakaran as judge of the Supreme Court.

The Supreme Court collegium headed by Chief Justice of India K.G. Balakrishnan on Saturday decided to put on hold the elevation of Chief Justice of the Karnataka High Court P.D. Dinakaran as judge of the Supreme Court following an adverse report sent by the Tamil Nadu government that he had encroached upon a large extent of government land.

Highly placed sources told [The Hindu](#) that the collegium also decided to seek comments from Mr. Justice Dinakaran on the report. Pending receipt of comments within a week, the collegium decided to delink his name from the list of five names recommended for elevation in August. The file is pending with the Law Ministry

It was alleged that at Kaverirajapuram in Tiruttani taluk alone the extent of land possessed by the judge was approximately 500 acres and there had been vast encroachment.

Last week, the CJI requested the Tamil Nadu government to look into the allegations.

Accordingly, the government asked the Tiruvallur Collector to verify records. The Collector was reported to have found that 197 acres was encroached upon, and indicated four types of violations allegedly committed for the encroachment. The State government enclosed the Collector's findings and sent its report to the CJI.

The collegium, including Justices B.N. Agrawal, S.H. Kapadia and Altamas Kabir, considered the report on Friday and Saturday and it was decided to get comments from Mr. Justice Dinakaran on the Collector's report. The other judge, Justice Tarun Chatterjee, who was on leave, was reported to have given his consent to the collegium decision.

It was decided to request the Centre to process the other four names for elevation to the Supreme Court: Chief Justice of the Madhya Pradesh High Court Ananga Kumar Patnaik; Chief Justice of the Punjab and Haryana High Court Tirath Singh Thakur; Chief Justice of the Calcutta High Court Surinder Singh Nijjar; and Chief Justice of the Gujarat High Court K.S. Radhakrishnan.

Main allegation

The main allegation against Mr. Justice Dinakaran was that he had progressively encroached upon vast extents of government 'poromboke' land, government 'Anadhinam' land, waterbodies such as lakes, canals and streams, common village pathways and an ancient mud fortress abutting his patta land. There were also allegations of land grabbing.

What the Act says

According to a senior State government Law Officer, the Tamil Nadu Land Encroachment Act, 1905, envisages levy of assessment of land revenue, besides penalty in cases of encroachment on government land. The Act also provides for summary eviction, forfeiture of crops or other products raised on the encroached land, levy of assessment and imposition of penalty as a deterrent measure. The encroachments of land classified as assessed/unassessed waste and Natham (house site) are unobjectionable, and when occupied by the landless poor can be assigned/alienated by collection of the market value of the land subject to certain conditions.

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