

(1994) 11 MAD CK 0014
In the Madras High Court
Case No : Writ Appeal No. 1438 of 1994

Mrs. Manonmani Muthusamy

APPELLANT

Vs

The Sub-Registrar, Anna Nagar, Madras-40

RESPONDENT

Date of Decision : 28-11-1994

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1994) 11 MAD CK 0014

Hon'ble Judges : Srinivasan, J;S.S. Subramani, J

Bench : Division Bench

Advocate : Manonmani Muthusamy, Party in Person, for the Appellant;

Judgement

Srinivasan, J.—This Writ Appeal is against the judgment of Adbul Hadi, J. in W.P. No. 11238 of 1994. The learned judge dismissed in

limine the writ petition in which the prayer was to issue a writ of Certiorarified Mandamus calling for the records of the Sub-Registrar, Anna

Nagar, Madras-40, relating to 32 sale deeds of undivided shares in lands at Anna Nagar and to quash the registration of the same and

consequently declare the sale deeds as unlawful. The only respondent in the writ petition is the Sub-Registrar. The parties in sale deeds have not

been impleaded in the writ petition. In the affidavit filed in support of the writ petition, the petitioner stated that her husband is a power agent and

the Chief Executive of the Standard Housing Construction and Finance Company of which she is the proprietrix. According to her affidavit, the

sale deeds were fraudulently brought into existence by her husband who cheated her. It is also stated in the affidavit that some proceedings have

been instituted in the Consumer Forum and a suit is pending in the City Civil Court, Madras.

2. The petitioner argued the matter in person. The learned judge dismissed the writ petition holding that the averments in the affidavit do not make out a case for admission. The learned judge pointed out that the matter could be gone into more appropriately in a suit. The learned judge also referred to the non-impleading of even the husband of the petitioner as a party and that there was no explanation for the delay on the part of the petitioner in approaching this Court.

3. In this appeal filed against the said judgment, the appellant who is appearing in person has raised several grounds. Ground Nos. 1 to 4, 7, 8 and

10 to 12 read as follows:-

1. I state that the order and judgment fails to have any validity in front of law, order and justice to maintain in this Hon"ble Court, because it lacks good qualities.

2. I state that the order and judgment fails to protect the fundamental rights guaranteed in the Constitution of India, rather the order deliberately wants to protect unlawful, orderless, offences.

3. I state that my writ petitions and affidavit are simple and clear in presenting the case. But, the order in the 2nd page 4th line, admits that my petitions and affidavit are not quite clear. This is twisting of the facts, lie and irrelevant comment, which no order (honest order) can possess.

4. I state that the 18th and 19th lines of second page of the order supply more lies, which says that ""the petitioner alleges in her supporting affidavit, fraud and cheating on the part of the husband"". I never alleged any fraud and cheating on the part of my husband in my affidavit.

5. I state that the order consists of only irrelevant allegations and finding fault with the petitions and affidavits of W.P. No. 11238 of 1994. The order carries only number of lies, irrelevant questions, twisting of the facts and frauds.

I am wondering whether such a type of order is maintainable in this Hon"ble Court because the order is a written fraud.

6. I state that the order is adamant in nature in the dismissal, which reveals the intensive purpose to destroy law, order, justice and court Honours.

Any order should always aim to protect law, order, justice and Honours of this court.

7. I state that the last para of the order alleges that the petitioner has not

impleaded unnecessary parties as respondents. It also alleges that there is no specific allegation against the respondent. These are lies, twisting of the facts, and fraud. Because, law binds each and everybody of this nation.

So, I need not implead all those parties. The necessary party is only the Sub-Registrar of Anna Nagar, Madras-40, which I have impleaded

adequately with specific justifiable reasons of allegations. The Sub-Registrar has duties and responsibilities to do fair registrations. The Registration

Act and procedures should also act fairly to protect the rights and control frauds. Each and every public official has specific duties and

responsibilities to maintain law, order and justice.

8. I state that the last but 5th line of the order lies that how a writ remedy is sought against him in this writ petition. This question is not correct. I am

asking no remedy against him, rather, I am seeking remedy from unfair registrations and unfair act which allowed such unfair registrations to exist.

For all these reasons, I see no justifiable reason to dismiss but to admit the writ petition under Article 226 of the Constitution of India.

9. I state that these grounds for Writ Appeal should be investigated in Honourable Justice Mishra's Court, since the appellant is having the

experience of misuse of power in the 1st Court, in W.A. Nos. 185/94 and 676/94.

It is not necessary to refer to the other Grounds.

4. The appellant filed C.M.P. SR. No. 65251 praying for permission to post the appeal in the Court of the Honourable Mr. Justice Mishra to

admit and investigate the same. In her affidavit, it is stated as follows:-

This petition is made to seek permission to admit my case in the Hon'ble Justice Mishra's Court for investigation, for the following reason.

I state that no law permits a Judge to pass injustice order. Even though judges are passing injustice orders, violating law, order and justice, under

the disguise of fraud reasons. This is a very high disqualification to hold the Public Official Post as Justice. The Chief Justice is misusing his power. I

have got proof for it. The Chief Justice has misused his power to dismiss my two genuine cases W.A. Nos. 676/94 and 185/94 without having any

justifiable reason for dismissal order. As far as my judgment the Chief Justice has no qualities to hold even a Justice Post.

5. When the Registry returned the papers to the appellant raising objections to the aforesaid portions, the appellant re-presented the same refusing

to delete those portions. She filed a separate statement which reads as follows:-

I was asked by the Writ Appeal numbering Section to delete the objectionable part of my Writ Appeal. Each and every word of my Writ Appeal

is based on law, order, and justice. Nothing is wrong or lie. Everything is based on absolute truths. I was deliberately prevented from doing

business by the unlawful actions of number of Judges of this Hon"ble High Court, including Chief Justice. I cannot obey the injustice orders. I can

obey only for justice and I will fight against injustice. In this Honourable deed, I will never see the suffering and hardships. God has created me for

good things. So I will not go back from fighting against the injustice things. My words are only the reflections for the unlawful orders of the judges

and correct opinion about the existing frauds. I cannot reduce, change or alter my Grounds in Writ Appeal since it is made for the sake of justice"".

6. When the papers were circulated to us, we directed the Registry to number the appeal and post it for orders, today. We also directed the.

Registry to inform the appellant that unless the passages set out above are deleted, the appeal will not be heard on merits for admission.

Accordingly, an Official Memorandum has been issued to the appellant which she received on 25.11.1994.

7. When the matter was called today, we directed the appellant to delete the aforesaid objectionable portions from the Memorandum of Grounds

and the affidavit. She refused to do so. We made it clear to her that unless the portions are deleted, we would not hear her on merits of the appeal.

She refused to yield saying that those portions are quite justified in the facts and circumstances of the case. She quoted the Tamil saying that ""One

can even kill the cow which tries to kill him"". The Tamil saying has no relevance whatever.

8. We are of the view that no litigant is entitled to make such wild allegations in a Memorandum of Appeal or an affidavit filed before any court.

The allegations are not only scurrilous but i made with a view to threaten and overawe this court and obtain an order in her favour. Even if an order

appealed against is erroneous, the person aggrieved is not entitled to make allegations of this type in the appeal Memo. The allegations would

tantamount to contempt of court inasmuch as they are made with the intention to threaten this court. It has become a fashion now-a-days for

parties appearing in person to make such wild allegations so that they could get some favourable orders. The appellant is not inclined to make amends or express regret inspite of our giving an opportunity to her. In the circumstances, we have no alternative but to dismiss the appeal without hearing the same on merits which are not visible at present on the record. Hence the appeal is dismissed. We have directed the Registry by a separate order to issue notice of contempt to the appellant.