

2022 LiveLaw (SC) 952

IN THE SUPREME COURT OF INDIA

B.R. GAVAI; J., B.V. NAGARATHNA; J.

Special Leave to Appeal (C) No(s). 19043/2022; 11-11-2022

MOHAN CHANDRA P. *versus* THE STATE OF KARNATAKA & ORS.

Contempt of Courts Act 1971 - Supreme Court issues show-cause notice for contempt of courts action against Advocate on Record for signing a petition with derogatory remarks against High Court.

Contempt of Courts Act 1971 - Even a lawyer who subscribes his signatures to such derogatory and contemptuous averments is guilty for committing contempt of the Court. Followed *M.Y. Shareef and Another v. The Hon'ble Judges of the High Court of Nagpur and Ors. (1955) 1 S.C.R. 757*

(Arising out of impugned final judgment and order dated 02-09-2022 in WA No. 481/2022 passed by the High Court of Karnataka at Bengaluru)

For Petitioner(s) Mr. Bipin Kalappa, Adv. Ms. Kumari Rashmi Rani, Adv. Ms. Rashi Jaiswal, Adv. Mr. Pratiush Pratik, Adv. Mr. Sakal Dev Sharma, Adv. Mr. Vineet Kumar, Adv. Mr. J. Prasanth, Adv. Mr. N. Ravi, Adv. Mr. Sanjay Prakash Goyatan, Adv. Mr. Krupal Krishnarao Paluskar, Adv. Mr. Vipin Kumar Jai, AOR Mrs. M.N. Krishma, Adv. Mr. Dhanesh Ieshdhan, Adv.

ORDER

The petition challenges the concurrent orders passed by the learned Single Judge as well as the Division Bench of the High Court of Karnataka, vide which the learned Single Judge dismissed the writ petition filed by the petitioner and the Division Bench has dismissed the appeal.

The petitioner, in effect, challenges the selection of the Chief Information Commissioner and the Information Commissioners by the State of Karnataka.

While assailing those orders before this Court, in the memo of special leave petition, the petitioner has made the following averments:-

“..Therefore the reason assigned by the Division Bench of High Court of Karnataka for extraneous reason and to harass the respondents is unwarranted one and without any basis or foundation to justify the same. On the other hand the Division Bench of the High Court of Karnataka has taken into consideration extraneous reason and as a revenge imposed exemplary cost of Rs.5 lakh to the petitioner.

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The further reason assigned by the lower appellate court for dismissing the writ appeal that the appellant has suppressed the material facts of his avocation and no locus standi to file writ petition and writ appeal and wasted the time of the court and imposed cost of Rs.5 lakh. Said reasoning of the Division Bench of High Court of Karnataka is totally false because the Petitioner has disclosed each and every fact at the time of submitting application for the post of Chief Information Commissioner and State Information Commissioner. The documents appended to the writ petition and writ appeal clearly goes to show that he has disclosed everything and not suppressed the material facts as observed by Division Bench of High Court of Karnataka. Only to show favouritism towards the respondents and to harass the Petitioner and only to gain publicity, the Division Bench of High Court of Karnataka has imposed exemplary cost for ulterior purpose. This is not a public interest litigation filed by the appellant. The writ petition and writ appeal preferred by the appellant on personal capacity to enforce judgment of Hon'ble Apex Court of India and redressal of his grievance and not for any other purpose.”

The aforesaid observations are not only derogatory to the Karnataka High Court but highly contemptuous in nature.

The Constitution Bench of this Court in the case of ***M.Y. Shareef and Another v. The Hon'ble Judges of the High Court of Nagpur and Ors. (1955) 1 S.C.R. 757***, has held that even a lawyer who subscribes his signatures to such derogatory and contemptuous averments is guilty for committing contempt of the Court.

Issue notice, returnable on 02.12.2022, to the petitioner-Mohan Chandra P. as well as the Advocate on Record, Mr. Vipin Kumar Jai, as to why an action for contempt of the Court be not initiated against them. Both the above-named persons shall remain present in the Court on 02.12.2022.

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