

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JANUARY, 2022

PRESENT

THE HON'BLE MR. JUSTICE B. VEERAPPA

AND

THE HON'BLE Mrs. JUSTICE M.G. UMA

C.C.C. No.43/2022

C/W

C.C.C. Nos.44/2022, 45/2022, 46/2022, 47/2022, 48/2022,
49/2022, 50/2022, 51/2022, 52/2022 AND 53/2022 (CIVIL)

**In CCC Nos 43/2022, 44/2022, 45/2022, 46/2022 and
53/2022:**

BETWEEN:

JEETENDRA KUMAR RAJAN,

...COMPLAINANT

(BY SRI JEETENDRA KUMAR RAJAN, PARTY-IN-PERSON)

AND:

1. T. G. SHIVASHANKARE GOWDA,
REGISTRAR GENERAL,
THE HIGH COURT OF KARNATAKA,
OPP VIDHANA SOUDHA,
BENGALURU-560001.
2. K.S.BHARATH KUMAR,
REGISTRAR (JUDICIAL),
THE HIGH COURT OF KARNATAKA,
OPP VIDHANA SOUDHA,
BENGALURU-560001.

...ACCUSED

These CCCs are filed under Sections 11 and 12 of the Contempt of Courts Act, 1971 praying to initiate contempt proceedings against the accused for violating the order dated 19.5.2021 passed in Writ Petition No.1355/2021 (EDN-RES) c/w Writ Petition Nos.3210/2021, 3211/2021, 3212/2021, 3214/2021 (EDN-RES) and order for taking action as deemed fit as per law.

In CCC Nos. 47/2022, 48/2022, 49/2022, 50/2022, 51/2022, and 52/2022:

BETWEEN:

JEETENDRA KUMAR RAJAN,

...COMPLAINANT

(BY SRI JEETENDRA KUMAR RAJAN, PARTY-IN-PERSON)

AND:

T. G. SHIVASHANKARE GOWDA,
REGISTRAR GENERAL,
THE HIGH COURT OF KARNATAKA,
OPP VIDHANA SOUDHA,
BENGALURU-560001.

...ACCUSED

These CCCs are filed under Sections 11 and 12 of the Contempt of Courts Act, 1971 praying to initiate contempt proceedings against the accused for violating the order dated 16th November 2021 passed in Writ Petition No.19716/2021 (GM-RES) c/w Writ Petition Nos.19827/2021, 19829/2021, 19830/2021, 19832/2021, 19908/2021, 19909/2021 and order for taking action as deemed fit as per law.

These CCCs coming on for orders this day, **B.VEERAPPA J.**, made the following.

ORDER

These contempt petitions are filed by the party-in- person - Jeetendra Kumar Rajan under the provisions of Sections 11 and 12 of the Contempt of Courts Act, 1971 praying to take action against the accused for willful disobedience of the order passed by the learned Single Judge of this Court dated **19th May 2021** made in Writ Petition No.1355/2021 (EDN-RES) c/w Writ Petition Nos.3210/2021, 3211/2021, 3212/2021, 3214/2021 (EDN-RES) and the order dated **16th November 2021** made in Writ Petition

No.19716/2021 (GM-RES) c/w Writ Petition Nos.19827/2021, 19829/2021, 19830/2021, 19832/2021, 19908/2021, 19909/2021.

2. In Writ Petition No.1335/2021 and connected matters, the learned Single Judge of this Court while dismissing the said writ petitions by an order dated 19.5.2021, has observed at paragraphs 6 and 7 as under:

6. *With this background, if one would analyse and consider the prayers made by the petitioner in these writ petitions, it is clear that the petitioner has misused and abused the process of this Court. This Court would not hesitate to say that this Court has been very considerate to the petitioner and has shown undeserved leniency towards the petitioner. No doubt, Courts should be considerate while hearing a petitioner/party-in-person, but indulgence which would encourage such persons in filing petitions after petitions on the same cause of action should be deprecated. The respondent-University has given the list of writ petitions and proceedings initiated by the petitioner, which runs close to three digit figures. It is because of this undeserved leniency shown to the petitioner that he dares to pray to permit him to file 32 fresh writ petitions in the disposed of R.P.No.28/2019 and CCC*

No.200156/2017. The petitioner has sought directions to the respondents to file affidavits and threatens to initiate criminal proceedings if they failed to file the affidavit or argue the matter.

7. In consideration whereof, this Court would proceed to hold that the writ petitions filed by the petitioner is a blatant abuse of the process of this Court. There is absolutely no merit in these writ petitions. Therefore, while dismissing the writ petitions, it is hereby directed that the petitioner shall be precluded from filing any other writ petition in this regard. The petitioner, no doubt, is required to be saddled with exemplary costs, but payment of costs shall stand deferred. If the petitioner files any other writ petition/proceedings in this regard, office shall put up a note regarding the directions issued hereby. The petitioner shall be called upon to deposit Rs.1,00,000/- (Rupees one lakh), without which the matter shall not be listed. On such deposit, the costs shall be tendered to the respondent-Visveswaraya Technological University. In hope and trust that the petitioner would realize the futility in knocking at the doors of this Court and on the contrary, the need to single mindedly concentrate on studies and in acquiring knowledge

would ultimately dwell upon the petitioner, these writ petitions stand dismissed.

(emphasis supplied)

3. In Writ Petition No.19716/2021 and connected matters, the learned Single Judge of this Court while rejecting the said writ petitions by an order dated 16.11.2021, has observed as under:

In the above circumstances, these writ petitions being absolutely unmeritorious and calculated to abuse the process of the court, are liable to be rejected in limine and accordingly they are with a cost of Rs.10,000/- each; petitioner shall deposit the said cost with the Registry within a period of four weeks, failing which the Registry shall institute the contempt proceedings for recovering the same.

4. It is unfortunate that the complainant - Jeetendra Kumar Rajan has filed these contempt petitions against Sri T.G. Shivashankare Gowda, the Registrar General and Sri K.S. Bharath Kumar, Registrar (Judicial) of this Court by misusing and abusing the process of the Court.

5. Since the complainant - party-in-person has come up before this Court alleging disobedience of similar orders passed in two batches of writ petitions, all these contempt petitions are taken up together for disposal.

6. In CCC Nos.43/2022, 44/2022, 45/2022, 46/2022 and 53/2022, the complainant sought for taking action against the accused for willful disobedience of the order dated 19.5.2021 passed by the learned Single Judge of this Court in Writ Petition No.1355/2021 and connected matters, raising the following grounds:

- i) The total understanding of the Registry regarding order passed by the learned Single Judge in Writ Petition No.1355/2021 and connected matters is, matter cannot be listed until and unless complainant does not deposit Rs.1,00,000/-.
- ii) If the mentioned condition above is so, then there is total violation of the order and the Hon'ble Court should take *suo motu* action against the Registry and cost is to be imposed on the Registry similar to

the cost of Rs.1,00,000/- imposed on the complainant, but unfortunate no action has been taken against the Registry and this shows the law varies from person to person in India.

7. In CCC Nos.47/2022, 48/2022, 49/2022, 50/2022, 51/2022 and 52/2022, the complainant sought for taking action against the accused for willful disobedience of the order dated 16.11.2021 passed by the learned Single Judge of this Court in Writ Petition Nos.19716/2021 and connected matters, raising the following grounds:

- i) Order dated 16.11.2021 depicts complainant to deposit Rs.10,000/- each within a period of four weeks, failing which the Registry shall institute the contempt proceedings for recovering the same.
- ii) Complainant filed W.P. No.22625/2021, requesting the Registry to initiate contempt proceedings against the complainant without delay.

iii) Since Accused has intentionally disobeyed the order of the Court, hence the contempt proceedings is being initiated.

8. We have heard the complainant - party-in-person, who appeared through virtual mode.

9. The complainant reiterating the grounds urged in the contempt petitions, has sought for taking action against the accused for willful disobedience of the orders passed by the learned Single Judge of this Court dated 19.5.2021 and 16.11.2021 in two batches of the writ petitions stated *supra*.

10. The way in which the contempt petitions, which are accompanied by affidavits, are drafted, clearly depicts that the complainant is misusing and abusing the process of the Court. There is no clarity in the grounds urged by the complainant in the contempt petitions and it appears there is something wrong with the complainant - party-in person. Office has also raised office objection regarding maintainability of the contempt petitions.

11. We have carefully perused the orders passed by the learned Single Judge dated 19th May 2021 made in Writ Petition No.1355/2021 and connected matters so also the order dated 16th November 2021 passed in Writ Petition No.19716/2021 and connected matters. On such perusal, it clearly depicts that the learned Single Judge of this Court has dismissed the writ petitions and not granted any relief in favour of the complainant in the above two batches of writ petitions. The said orders passed by the learned Single Judge have reached finality. If the complainant is aggrieved by the order passed by the learned Single Judge, the remedy available to him is to file appeals challenging the orders passed by the learned Single Judge. Instead of filing the appeals, he has chosen to file these contempt petitions by misusing the provisions of the Contempt of Courts Act and abusing the process of the Court. Infact the complainant has disobeyed the orders passed by the learned Single Judge of this Court and interfering with discharge of duties by the Registrar General and Registrar (Judicial) of this Court, in their official capacity.

12. This Court taking into consideration the young age of the complainant, who has appeared through virtual mode, has advised him, but he is not listening to the advice of the Court. The conduct and attitude of the complainant is nothing but daring ride on the Court and wasting the precious public judicial time of the Court.

13. At this stage, it has to be stated that Contempt proceedings are intended to ensure compliance of the orders of the Court and adherence to the rule of law. The law of contempt of courts is for keeping the administration of justice pure. Contempt jurisdiction exercised by the Courts for the purpose of upholding the majesty of the judicial system that exists. Any action on the part of a litigant which has the tendency to interfere with or obstruct the due course of justice has to be dealt with sternly and firmly to uphold the majesty of law. This Court has jurisdiction to inquire into or try a contempt of itself or of any Court subordinate to it and punish the accused as contemplated under the provisions of Sections 10, 11 and 12 of the Act.

14. It is an undisputed fact that like any other organ of the State, the Judiciary is also manned by human beings - but the function of the judiciary is distinctly different from other organs of the State - in the sense its function is divine. Today, the judiciary is the repository of public faith. It is the trustee of the people. It is the last hope of the people. After every knock at all the doors fail, people approach the judiciary as the last resort. It is the only temple worshipped by every citizen of this nation, regardless of religion, caste, sex or place of birth.

15. As already stated supra, if the complainant is aggrieved by the orders passed by the learned Single Judge in two batches of writ petitions, it is always open for him to file appeals challenging the said orders, but he has filed these contempt petitions by misusing the provisions of the Contempt of Courts Act and abusing the process of the Court. He made the Registrar General and Registrar (Judicial) of this Court as accused in these contempt petitions and sought to impose costs of Rs.1,00,000/- on the Registry, even though there is no such order passed against the accused by the learned Single Judge of this Court. In fact, the

writ petitions were dismissed and no relief was granted in favour of the complainant. In spite of the same, the complainant has chosen to file these contempt petitions. He is wasting precious public judicial time of the Court and misusing and abusing the process of this Court. The material on record clearly depicts that the complainant has filed several writ petitions for various reliefs on the same cause of action. Filing of case after case absolutely without justification is nothing but an aggravated form of abuse of process of the court. The valuable time spent by this Court in deciding these frivolous matters could have been invested in worthy causes. The complainant has not made out a case that the accused have disobeyed the orders passed by the learned Single Judge of this Court, thereby no case is made out to initiate contempt proceedings against the accused.

16. At this stage, it is relevant to state that no doubt, the Courts should be considerate while hearing party-in-persons since they are not legally equipped and they are virtually mentally injured persons. This Court has been very considerate to the complainant - party-in-person and has shown undeserved leniency towards him

and advised him properly. In spite of the same, he is not listening to the advice of the Court. He has taken goodness of the Court as its weakness.

17. It is true that the judges should not be hyper sensitive in discharging judicial functions, but that does not mean and imply that they ought to maintain angelic silence. Immaterial it is as to the person, but it is the seat of justice which needs protection; It is the image of judicial system which needs protection. Nobody can be permitted to tarnish the image of the temple of justice. The majesty of the Court shall have to be maintained and there ought not to be any compromise or leniency in that regard. It is well settled that legal profession is a solemn and serious occupation. It is called a noble profession and all those who belong to it are its honourable members.

18. The experience of this Court depicts that in recent years there has emerged a trend of filing speculative litigation before various courts of law, not just in the Court of first instance, but also in the High Court and the Hon'ble Supreme Court. It is the duty of the Courts to ensure that such speculative litigation is weeded out

at the first instance rather than allowing it to be festored and thereby coming in the way of genuine litigants seeking justice treating the Court as 'temple of justice'.

"This augurs ill for the health of our judicial system"

19. It is high time for this Court to protect not only the majesty of the court, but also ensure judicial discipline of the Court, since it is the repository of public faith and trustee of the people. The circumstances warrant that the Court has to act as 'Societal Parent' to protect *Dharma*.

20. The Rule of law is the basic rule of governance of any civilized democratic polity. Our constitutional scheme is based upon the concept of rule of law which we have adopted and given to ourselves. Everyone, whether individually or collectively is unquestionably under the supremacy of law. Whoever the person may be, however high he or she is, no one is above the law, notwithstanding how powerful and how rich he or she may be. For achieving the establishment of the rule of law, the Constitution has assigned the special task to the judiciary in the country. It is only

through the courts that the rule of law unfolds its contents and establishes its concept. For the judiciary to perform its duties and functions effectively and true to the spirit with which it is sacredly entrusted, the dignity and authority of the courts have to be respected and protected at all costs. The confidence in the courts of justice, which the people possess, cannot, in any way, be allowed to be tarnished, diminished or wiped out by contumacious behaviour of any person.

21. The learned Single Judge has recorded categorical finding in W.P. No.1355/2021 and connected matters that no doubt, Courts should be considerate while hearing a petitioner/party-in-person, but indulgence which would encourage such persons in filing petitions after petitions on the same cause of action should be deprecated. The learned Single Judge further observed that it is because of undeserved leniency shown to the petitioner (present complainant) that he dares to pray to permit him to file 32 fresh writ petitions in the disposed of R.P. No.28/2019 and CCC No.200156/2017. Therefore, the conduct and attitude of the

complainant amounts to daring ride on the Courts and misusing and abusing the process of court, which cannot be encouraged.

22. The learned Single while dismissing W.P. No.1355/2021 and connected matters, has observed that if the petitioner/complainant files any other writ petition/proceedings in this regard, office shall put up a note regarding the directions issued and the petitioner/complainant shall be called upon to deposit Rs.1,00,000/-, without which the matter of the complainant shall not be listed. In the circumstances, it is the duty of the office to obey the orders passed by the learned Single Judge of this Court, unless the order is modified by the appellate authority. It is not the case of the complainant that he has filed the appeal challenging the order passed in the writ petitions. Accordingly, the accused have obeyed the orders passed by this Court in the writ petitions and rightly performed their duties in the official capacity. Therefore, the complainant has not made out any case of disobedience to initiate contempt proceedings against the accused.

23. The learned Single Judge of this Court observed that W.P. No.19716/2021 and connected matters being absolutely

unmeritorious and calculated to abuse the process of the Court, are liable to be rejected with costs of Rs.10,000/- each. Accordingly, the office has rightly raised an objection in the said writ petitions that direction is against the complainant to pay the cost of Rs.10,000/- each. In spite of that, the complainant has filed these contempt petitions against the accused without any basis.

24. For the reasons stated above, we find no merit in these contempt petitions. The way in which the complainant filed these contempt petitions is a threat to the judicial officers - Registrar General and Registrar (Judicial) of this Court. The complainant has not made out any ground to initiate contempt proceedings against the accused persons. He is misusing and abusing the process of the Court and harassing the judicial officers and wasting the precious public judicial time of the Court, thereby it has to be dealt with iron hand to uphold the majesty of the Court. It is high time for this Court to protect the judicial Officers of the State, otherwise there is no end to this type of speculative litigation in the years to come. Therefore, these contempt petitions are liable to be **dismissed** with costs of Rs.1,00,000/- (Rupees one lakh only) in

each of the contempt petitions i.e., Rs.11,00,000/- (Rupees eleven lakhs only), in total in the eleven contempt petitions. We hereby direct the Registry not to post any of the matters of the complainant on the same cause of action before the Court, unless he deposits Rs.11,00,000/- within a period of eight weeks from the date of receipt of copy of the order.

25. It is true that every abuse of the process of the Court may not necessarily amount to contempt of court, but abuse of the process of the Court calculated to hamper the due course of judicial proceedings or orderly administration of justice, we must say is the contempt of court. The act and conduct of the complainant tends to undermine the dignity of the Court and hinders the due course of judicial proceedings or administration of justice and prima facie it would amount to contempt of court. The cumulative acts of the accused would amount to undermine the dignity and majesty of the Court apart from interference with the court normal proceedings and procedures. The definition of 'criminal contempt' under the provisions of Section 2(c) of the Contempt of Courts Act is very wide and squarely covers all the aforesaid acts committed by the

complainant and therefore, prima facie the complainant has committed the criminal contempt.

26. On appreciation of the entire material placed on record and for the reasons stated above, it is just and proper to direct the Registrar (Judicial) of this Court to initiate *suo motu* criminal contempt proceedings against the complainant – 'Jeetendra Kumar Rajan' under the provisions of the Contempt of Courts Act, 1971.

27. For the reasons stated above, we pass the following:

ORDER

- (i) These contempt petitions are **dismissed** in *limine* with costs of Rs.1,00,000/- (Rupees one lakh only) in each of the contempt petitions i.e., Rs.11,00,000/- (Rupees eleven lakhs only), in total, in 11 contempt petitions. The costs has to be paid by the complainant to the 'Advocates Association, Bengaluru' within a period of **eight weeks** from the date of receipt of copy of the order, failing which liberty is reserved to the

Secretary of the Bar Association, Bengaluru, to initiate contempt proceedings against the complainant - 'Jeetendra Kumar Rajan' for recovery of the costs.

(ii) **We hereby direct the Registry not to post any of the matters of the complainant - Jeetendra Kumar Rajan, on the same cause of action before the Court, unless he deposits costs of Rs.11,00,000/- (Rupees eleven lakhs only), within a period of eight weeks from the date of receipt of copy of the order**

(iii) The Registrar (Judicial) of this Court is hereby directed to take necessary steps to initiate *suo motu* criminal contempt proceedings against the complainant - Jeetendra Kumar Rajan under the provisions of Section 2(c) of Contempt of Courts Act, 1971.

- (iv) Copy of this order shall be sent to the Registrar General and Registrar (Judicial) of this Court with a request to circulate the same among all the branches on the judicial side of this Court and to strictly follow the direction No.(ii) stated *supra*.
- (v) Copy of this order shall also be sent to the Secretary of the Advocates' Association, Bengaluru for information and necessary action.
- (vi) Furnish/send free copy of this order to the complainant.

**Sd/-
JUDGE**

**Sd/-
JUDGE**

Gss*