

SUPREME COURT OF INDIA

This relates to reconsideration of the proposal for appointment of following four Advocates, as Judges of the Karnataka High Court:

1. Shri Savanur Vishwajith Shetty,
2. Shri Maralur Indrakumar Arun,
3. Shri Mohammed Ghouse Shukure Kamal, and
4. Shri Engalaguppe Seetharamaiah Indiresh.

The Supreme Court Collegium vide Minutes dated 25th March, 2019 approved names of eight of nine Advocates recommended by the High Court Collegium on 25th May, 2018. Proposal relating to the above-named four Advocates has been referred back, for reasons recorded in the file, to the Chief Justice of India for reconsideration.

The Collegium has considered the matter.

As regards Shri Savanur Vishwajith Shetty, his name has been sent back by the Department of Justice to the Collegium for reconsideration with the following observations:

“There is a complaint against Shri Savanur Vishwajith Shetty that he is having nexus with underworld and land mafia which indulged in extortion.”

The Collegium has perused the complaint dated NIL in this regard levelling allegations against Shri Savanur Vishwajith Shetty. The allegations in the complaint have not been verified at any level at any point of time. Besides, Intelligence Bureau in its report has, inter alia, recorded that he enjoys good personal and professional image and nothing adverse came to notice

against his integrity. Besides, all the consultee - Judges have found him suitable for elevation. In view of above, the Collegium is inclined to take the view that the allegations in the complaint dated Nil on the basis of which his name has been sent back for reconsideration are not tenable. The Collegium, therefore, resolves to reiterate its recommendation dated 25th March, 2019 for elevation of Shri Savanur Vishwajith Shetty as Judge of the Karnataka High Court.

As regards Shri Maralur Indrakumar Arun, his name has been sent back by the Department of Justice to the Collegium for reconsideration with the following observations:

“There is a complaint against Shri Maralur Indrakumar Arun stating that he does not have a clean and transparent professional career and indulges in corrupt practices.”

The Collegium has perused the complaint dated NIL in this regard levelling allegations against Shri Maralur Indrakumar Arun. The allegations in the complaint have not been verified at any level at any point of time. Besides, Intelligence Bureau in its report has, *inter alia*, recorded that he enjoys good personal and professional image and nothing adverse came to notice against his integrity. Besides, all the consultee-Judges have found him suitable for elevation. In view of above, the Collegium is inclined to take the view that the allegations in the complaint dated Nil in light of which his name has been sent back for reconsideration are not tenable. The Collegium, therefore, resolves to reiterate its recommendation dated 25th March, 2019 for elevation of Shri Maralur Indrakumar Arun as Judge of the Karnataka High Court.

As regards Shri Mohammed Ghouse Shukure Kamal, his name has been sent back by the Department of Justice to the Collegium for reconsideration with the following observation:

“Shri Mohammed Ghouse Shukure Kamal has limited practice in the High Court.”

The Collegium has taken note of the above observation. As per record, his average professional income is Rs.16.89 lakhs. Besides, all the consultee-Judges have found him suitable for elevation. That apart, Intelligence Bureau in its report has, *inter alia*, recorded that he enjoys good personal and professional image and nothing adverse came to notice against his integrity. In view of above, the Collegium is inclined to take the view that the grounds on the basis of which his name has been sent back for reconsideration are not tenable. The Collegium, therefore, resolves to reiterate its recommendation dated 25th March, 2019 for elevation of Shri Mohammed Ghouse Shukure Kamal as Judge of the Karnataka High Court.

As regards Shri Engalaguppe Seetharamaiah Indires, his name has been sent back by the Department of Justice to the Collegium for reconsideration, *inter alia*, on the ground that he is one of the parties to disputes in High Court. In the declaration made by Shri Indires in Annexure I(i) of the Memorandum of Procedure, he has stated as follows:

“The plaintiffs – Kiran Kumar and another have filed suit for specific performance against the owner and the builder of the property bearing no. 13, Sampurana Chambers, Vasavi Temple Road, V.V. puram, Bengaluru – 560 004 in OS No. 1442/2014 and OS No. 1443/2014 pending consideration before the Hon’ble City Civil Court at Bengaluru and the plaintiffs have filed an application for impleading me as one of the defendants along with others (subsequent purchasers) and, I have filed objection to I.A. and same is pending for consideration and I.A. is not yet allowed.

The suit schedule property and the property in which I have purchased office space measuring 370 sq. feet are different and not connected with the suit schedule property.”

The basis on which the Government has sent back the name of Shri Engalaguppe Seetharamaiah Indiresb for reconsideration to the Collegium is apparently not tenable. That apart, Intelligence Bureau in its report has, *inter alia*, recorded that he enjoys good personal and professional image and nothing adverse came to notice against his integrity. Besides, two of the three consultee-Judges have also found him suitable for elevation. The Collegium, therefore, resolves to reiterate its recommendation dated 25th March, 2019 for elevation of Shri Engalaguppe Seetharamaiah Indiresb as Judge of the Karnataka High Court.

Having regard to acute shortage of Judges in Karnataka High Court it would be appropriate if the above proposal is processed expeditiously.

(Ranjan Gogoi), C.J.I.

(S.A. Bobde), J.

(N.V.Ramana), J.

October 03, 2019.

