

High Court Office :
Chamber No.: 211, High Court
Complex, Sola Road, Ahmedabad.
Phone : 079 - 27665002

Residence :
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Yatin N. Oza

Senior Advocate

Date: 21/08/2017

To,
Shri Jagdish Singh Khehar,
Hon'ble The Chief Justice Of India,
Supreme court of India,
New Delhi.

Dear Chief Justice,

First of all let me wish you a very happy and peaceful retirement.

All of us i.e. the Union Government, All courts of law and all like minded citizens want eradication of black money and a person with prudence would definitely lean in favour of such an exercise and any authority or court would be ruthless in its approach against a person, a society or a constitutional dignitary if it adheres to the same.

My allegations in this letter are of a very serious nature. At the outset I submit that I am prepared to face any consequences may be severest in form if my allegations are found to be untrue after an honest and a detailed inquiry at your Lordships end.

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Hon'ble Justice Mr. M.R. Shah and his father respected Shri R.N. Shah, a very senior member of the bar, a very noble and humble gentleman owned a bungalow situated at 12, Shailraj Bungalows, Nr. Rajsuya Bungalows, Ramdevnagar, Satellite, Ahmedabad-380015 until July-August 2016. After having a parcel of land allotted to Hon'ble Justice Mr. M.R. Shah and many other Hon'ble Judges opposite Gujarat High Court, which is a subject matter of litigation before the Hon'ble Supreme Court of India, he sold that bungalow and from the sale consideration amount of Rs. 1,00,00,000 (Rupees Ten Million) was received as cash which were unaccounted. Matter does not stop here sir after having received aforementioned amount in cash Government of India demonetised currency notes of denomination of Rs.1000 and Rs.500 with effect from midnight of 8th Nov 2016. Unfortunately for the Hon'ble Judge that aforementioned amount remained with him as an unaccounted money in denomination of Rs.1000 and 500 Rs old currency notes.

The aforesaid amount of demonetised currency was exchanged by new currency by Hon'ble Justice M.R. Shah with the aid and help of the state government i.e. by a sitting minister and a leader of a political party who helped him out to convert the old currency notes to new currency

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notes of denomination of Rs. 500 and Rs. 2000. A little inquiry at your end by appointing very honest and upright judges to inquire into my allegation would reveal every word stated by me to be true. Let the very same committee which was appointed to look in to allegations against two sitting Hon'ble Judges of Orissa High Court, consisting of Hon'ble Justice Abdul Nazir, Hon'ble the Chief Justice Shiavax Jal Vazifdar and Hon'ble Justice K.M. Joseph inquire in to the allegations levelled by me.

I am very sure that my letter is going to end up in a dustbin because had it not been so many things that should have happened during your lordships tenure would have happened and vice versa. Though on paper there is finality attached to the Collegium in the matter of appointment, elevation and transfer the real authority who decides and the mandate of which is followed by the collegium is Government of India. Many like me feel that we have been befooled and let down by the Collegium who fought for its supremacy. What I have stated above can be proved without any manner of doubt by illustrations and sir ask a question to your conscious as to whether what I have stated is right or wrong. If that is not so, Hon'ble Justice K.M. Joseph and Hon'ble Justice Jayant patel would have been in Hon'ble Supreme court and many judges would have been at

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different High Courts i.e. to another High Court than where they hold the constitutional office at present. If that was not so ages back Hon'ble Chief Justice Mukherjee would have been at Uttarakhand High court and Hon'ble Chief Justice K.M. Joseph at Andhra Pradesh High Court. This transfers were recommended on 11/5/2016 by the then Hon'ble Chief Justice of India.

I have attacked the Collegium because I feel that the Collegium is not the court and the proceedings are not judicial. Nor does it amount to obstruction in justice delivery system. Your lordships collegium^{sdl} has decided to bend by it's knees before the Union Government by befooling the people and by forwarding the lame, weak and unsustainable excuses like Logjam, stagnation, bottleneck and deadlock. Your Lordships Collegium gave premium to the Union Government in as much as those who were responsible for creating stagnation, bottle neck, logjam and deadlock were successful in getting desired results which resulted in to injustice to several honest, upright and deserving Hon'ble Judges in the matter of elevation and appointment and benefit to many hon'ble Judges who betrayed the constitution and oath for personal favours.

At last let lawyers and people in the fraternity not discuss after 25 years as to who gave a severe blow to the reputation

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to our institution and caused damage to the sovereignty and supremacy of it and the choice would be from the two, Hon'ble Justice A.N. Ray and between Your Lordships. In those days i.e. 1974 onwards to 1976 all such powers of appointment, elevation and transfer were with the Government but today is a different scenario. In those days judges like Hon'ble Justice J.M. Shelat, Hon'ble Justice K.S. Gegde, Hon'ble Justice A.N. Grover, Hon'ble Justice H.R. Khanna, Hon'ble Justice N.L. Untwalia, Hon'ble Justice A.C. Gupta, Hon'ble Justice P.D. Desai, suffered and paid price for maintaining the sovereignty of the institution. Hon'ble Justice S.H. Sheth, Hon'ble Justice O. Chinappa Reddy and many more judges suffered penal transfer for the very same purpose. Today Hon'ble Justice K.M. Joseph, Hon'ble Justice Jayant Patel and many more are suffering and that too you from within your conscious know about it and several who exhibited their disloyalty to the constitution and the oath that was administered to them are enjoying the patronage undeservingly and that too against your lordships conscious.

Sadly today when we academically and informally discuss about elevation of certain judges people say he will or he will not make it depending on him being in good or bad books of the Hon'ble Prime Minister, none now discusses the issue of

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elevation on merits unlike in good old days issue of elevation was discussed in reference to a judge about his merits and opinion about him in the minds of Hon'ble Chief Justice of India or other Hon'ble Judges in collegium.

My earnest request and with a very fond hope that it will be acceded to, to Hon'ble Justice J. Chelameshwar, Hon'ble Justice Madan B. Lokur and Hon'ble Justice Kurian Joseph (who will be a part of the collegium from 28/8/2017) to please save the institution and let there be a strong collegium who can meet with any challenges and reset the tradition. Kindly go back to the time of elevation of Hon'ble Justice Shri B.N. Srikrishna in the year of 2002. It was only the might of the collegium that brought Hon'ble Justice B.N. Srikrishna to the Hon'ble Supreme Court notwithstanding the toughest and strongest objection from a very honest and respected the then Prime Minister Shri Atal Bihari Vajpayee.

Yours Sincerely

Sd/-
Yatin N. Oza

Sr. Advocate

CC To:- 1) Hon'ble The Prime Minister
2) All Hon'ble Judges of Supreme court of India

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- 3) Hon'ble the Law Minister
- 4) All The Hon'ble Chief Justices of High Courts
- 5) To all the Hon'ble Judges of Gujarat High court
- 6) Respected Shri K.K. Venugopal,
Attorney General of India
- 7) Respected Shri. Ranjit Kumar,
Solicitor General of India
- 8) Respected Shri Kamal Trivedi,
Advocate General, Gujarat High Court