

An open-letter to the Hon'ble Chief Justice of Kerala

08-Feb-2019

Ernakulam.

Respected & Hon'ble Chief Justice of Kerala Justice Hrishikesh Roy,

By way of introduction, I, Kochouseph Chittilappilly, aged 68 years, am an Entrepreneur, based out of Kochi, Kerala. I am the founder of V-Guard Industries (year 1977), Wonderla/Veega Holidays (year 2000), and Veegaland Developers (year 2007). In 2012, with a view to give back to the community, I founded *K Chittilappilly Foundation*, a not-for-profit company which provides financial assistance to the less fortunate in the society for their medical, educational and housing needs. In 2018, Forbes-Asia identified me as a "*Hero of Philanthropy: The Mogul who gifted his kidney to save a stranger's life*". My brief profile is enclosed herewith and marked as **Enclosure-1**.

As regards publication of Court proceedings, it is viewed generally that there is a duty cast upon the press & media to report accurately, to report contemporaneously and to report fairly. This duty is far more than the rights guaranteed to the press & media under Article 19(1)(g) and that gag orders are issued only in exceptional circumstances.

As regards remarks made by Courts during proceedings, it has been held by the Hon'ble Supreme Court in **Dr. Raghubir Saran v. State of Bihar and Anr. [AIR 1964 SC 1]** that, "*There is a correlative and self-imposed duty in a Judge not to make irrelevant remarks or observations without any foundation, especially in the case of witnesses or parties not before him, affecting their character or reputation.*"

In this context, with utmost respect to the press and judiciary but with deep pain, I would like to bring to your Lordship's kind attention, the irreparable injury caused - to me and a Company I founded - by the publication of remarks made by a Single Bench of the Hon'ble High Court of Kerala during the proceedings on 17-Jan-19, 24-Jan-19, 1-Feb-19 and

5-Feb-19 in **W.P (C) No. 1107 of 2007 (Vijesh Vijayan v. State of Kerala & 5 Others)**).

To summarize, W.P (C) 1107 of 2007 was instituted by one Mr. Vijesh seeking compensation from State of Kerala, Local Self Government Department, the Company (Wonderla/Veega Holidays) and others, for the accident sustained by him in the year 2002 in the premises of the said Company which is an Amusement Park.

I am the founder of the said Company and at the time of institution of the said Writ Petition I was the Managing Director. It may kindly be noted that, Mr. George Joseph is the present Managing Director representing the Company in the Writ Petition and I, Kochouseph Chittilappilly, is not a party to the said proceedings. In 2016, a memo was filed regarding the change of name of the Company and Managing Director.

Notwithstanding this, since 17-Jan-19, certain press & media have been publishing disparaging remarks against me purported to be made orally by a Single Bench of the Hon'ble High Court of Kerala before which the said Writ Petition is pending. A copy of the news items published by certain press & media since 17-Jan-19 carrying the remarks purported to be made by a Single Bench of the Hon'ble High Court of Kerala along with its English translation are enclosed herewith and marked as **Enclosure-2**.

After the publication of adverse personal remarks on 17-Jan-19, a letter dated 22-Jan-19 was sent to your Lordship regarding publication of oral observations and remarks of Courts. A copy of the letter dated 22-Jan-19 is enclosed herewith and marked as **Enclosure-3**.

Because of the continued publication of remarks purported to be made by the Single Bench of the Hon'ble High Court, I am being bombarded with questions from my well-wishers and general public regarding the veracity of reporting and soundness of the remarks.

A few oral remarks purported to be made by the Single Bench of the Hon'ble High Court and published in certain press & media are reproduced below:

1. *"Why is Chittilappilly - who roams the world in rockets - inconsiderate to this young man?"*
2. *"This is an incident which exposes those people who seek big publicity by making small charitable contributions".*
3. *"It's immaterial how much money you make – you will not be able to take a single penny to the other world."*
4. *"The Company is worthless."*
5. *"The respect towards him is lost."*

Pitiably, being a public person, I am compelled to respond to them to reveal the real state of affairs which is an unwarranted predicament.

1. Purported Oral Remark by the Hon'ble Court: "Why is Chittilappilly - who roams the world in rockets - inconsiderate to this young man?"

Response I have been providing to my well-wishers:

- *I am the Founder of Wonderla/Veega Holidays where the alleged accident occurred in 2002 on account of the negligence of the Petitioner.*
- *Wonderla, as a Company, in view of its social consciousness extended financial assistance to Vijesh in 2003 to cover 60% of his initial medical expenses, which was Rs. 60,000 (back in 2003).*
- *While the Writ Petition was pending before the Hon'ble High Court, Pain and Palliative Care Society, Thrissur approached me in 2013 for financial assistance to empower Vijesh to secure his future and support his family. An amount of Rs. 2 lakhs was transferred from my charitable Foundation to the said society in this regard. This fact was conveniently concealed by the Petitioner during the proceedings.*
- *Would the above acts in any way reveal the state of being "inconsiderate"?*

- As regards, “roaming the world in rockets”, I feel it is purely personal and has no relevance to the matter at hand.

2. Purported Oral Remark by the Hon’ble Court: “This is an incident which exposes those people who seek big publicity by making small charitable contributions”.

Response I have been providing to my well-wishers:

- At the age of 60, I did not donate my kidney to a complete stranger for publicity. It was only to send a salutary message to the world regarding the importance of organ donation than the inevitability of the organ to human anatomy.
- In 2012, K Chittilappilly Foundation was set up with my earnings as an Entrepreneur over 4 decades.
- The Foundation has disbursed Rs. 42 crores in the past 6 years to the weaker sections in the society (I am compelled to disclose this figure now). The whole amount is from my personal earnings and not from any CSR fund of any Company I founded.

3. Purported Oral Remark by the Hon’ble Court: “It’s immaterial how much money you make – you will not be able to take a single penny to the other world.”

Response I have been providing to my well-wishers:

- Even before the commencement of Corporate Social Responsibility (CSR) mandate under Companies Act, I had constituted funds to be spent on charitable activities in the Companies I founded. For instance, Wonderla/Veega Holidays had spent Rs. 1.7 crores between 2010 and 2013 by way of donations prior to the CSR mandate.
- In addition to the CSR activities of the Companies I founded, I have been separately undertaking charitable activities through my Foundation - from my personal earnings.
- The above acts were done in the past decades since I was well aware that I would leave this world open-handed.

4. Purported Oral Remark by the Hon'ble Court: "The Company is worthless."

Response I have been providing to my well-wishers:

- Company's Commitment to its customer: The Company, in view of its social consciousness had extended financial support to Vijesh in 2003 and closed the matter at the Company's end.
- Company's Commitment to its beneficiaries: Further to an internal inquiry, the Company found that there was no negligence on the part of the Company. The FIR filed against the Directors was referred by Police after investigation, clearly indicating that there was no liability on the part of the Company. Further the absence of any culpability/ negligence on the part of the Company, can only be proved through a court of law. The Company also discerned from the writ proceedings that, such public law remedy sought against a private party after an inordinate delay and without approaching a civil court is clearly not maintainable. In this circumstance, as a Company committed to its beneficiaries, Wonderla/ Veega Holidays is duty bound to contest the petition on merits, irrespective of the outcome.
- Company's Commitment to the society: The Company has been involved in charitable activities/ donations since its inception.

5. Purported Oral Remark by the Hon'ble Court: "The respect towards Chittilappilly is lost."

Response I have been providing to my well-wishers:

- I am not even a party to this Writ Proceedings and my successor-in-office Mr. George Joseph is representing the Company presently.
- I feel these remarks are not even remotely relevant to the case, but has much damaging effect on my reputation and the image of the Company.

At this juncture, I am reminded of **Othello Act 3, Scene 3, 155–161:**

*“Who steals my purse steals trash;.....
But he that filches from me my good name
Robs me of that which not enriches him,
And makes me poor indeed.*

In this circumstance, I am compelled to bring this matter to your Lordship’s kind attention as only your Lordship is in a position to address the question mentioned hereunder:

***“Are personal remarks - as seen published above -
quintessential for the dispensation of justice in matters
pending before the Courts?”***

Thanking you,

Yours sincerely,

Kochouseph Chittilappilly

K Chittilappilly Foundation,

4th Floor, K C F Tower, Opp. N P O L, Kakkanad, Kerala 682021.

Enclosures:

1. Brief Profile of Kochouseph Chittilappilly
2. A copy of a few news items carrying the remarks made by a Single Bench of the Hon’ble High Court of Kerala and the English translation
3. A copy of the letter dated 22-Jan-17 addressed to the Chief Justice of Kerala

Copy to:

The Hon’ble Chief Justice of India Justice Ranjan Gogoi,
Attn: The Registrar, Supreme Court of India,
Tilak Marg, New Delhi – 110 201.