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Justice Noushad Ali
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Moble No: 8500951951

Date: 14-10-2020

To
The Hon'ble Chief Justice of India,
NEW DELHI.

MyLord,

I am a retired High court Judge of the composite state of Andhra Pradesh. I served as a Judge from 18.12.2009 to 7.3.2014. Thereafter I served as President, A.P. State consumer Dispute Redressal Commission from 1.5.2015 to 7.3.2019. I was an active legal practitioner from 10.6.1976 till my elevation as Judge.

Being deeply distressed over the deplorable events that are happening in the state of Andhra Pradesh, judiciary being deliberately denigrated by the political and executive establishment, I ventured to address this letter. I support none, but the judiciary which all of us hold in High esteem.

The High court of Andhra Pradesh has been under constant attack almost on daily basis. Those who slur shockingly include the Assembly Speaker, Ministers, legislators of the Ruling YSR party, advisers to Government headed by Sri Y.S. Jagan Mohan Reddy and the party workers. At one point of time I honestly believed that these persons were indulging in the attack against the court with a view to impress their leader to gain some favours. But after watching a programme in "Sakshi " Telugu TV channel on 10.10.2020 and after reading the "Sakshi" news paper dated 11.10.2020 it became evident that the attacks were archestrated under the directions of the Chief Minister. Both the media are owned by the Chief Minister. The news reflected that the Chief Minister has sent a letter also to the Hon'ble Chief Justice of India for action. The contents were repeatedly read and explained over the TV by no other than an adviser to the Chief Minister by name Sri Ajeya Kallam, a retired IAS officer. The letter is circulated in the social media and it is in the public domain. I too received a copy of the letter on whatsapp. It is not difficult to comprehend why the letter was made public even when it has been sent to the Hon'ble Chief Justice.

I would like to refer to some of the comments made by persons occupying high offices under the Chief Minister as published in the "Sakshi" news paper.

In the paper dated 20.9.2020 comments made by the Members of Parliament of the Chief Minister's YSR Party were published. They made the comments not only inside the House but also outside in the Premises of Parliament. The gist of their comments is that the High Court of Andhra Pradesh is passing orders which tend to support the corrupt when the court is expected to hound them. Such orders would result in diminishing the public confidence in courts. They referred to an alleged scam in the land dealing acquired for the purpose of locating the capital at Amaravathi and another scam called fibernest etc.,. They also referred to the allotment of land by the then Chief Minister Sri Nara Chandra Babu Naidu to 13 High Court Judges. They demanded that all such Judges who have breached the code of conduct should be removed so as to send right message to the public.

In the same news paper dated 20.9.2020 an article written by one Varadapalli Murali was published along with a cartoon. In the

cartoon media was shown as a bird with its beak tied. He referred to the "gag" orders passed by the High Court suggesting media has been cruelly tied. The writer alleged some nexus between the former Chief Minister Chnadra Babu Naidu and a Judge of the Supreme court (name of the Judge not mentioned). He referred to similar scams and found fault with the High court by teaching the Judges the manner how orders should be passed.

In the same paper (Local Sheets) it was published that one Smt.Roja MLA of Nagari constituency interalia stated before the Media that while in many states the ACB conducting raids, courts ~~were~~^{are} here granting stay orders as desired by Chandra Babu Naidu.

In the news paper dated 3.10.2020 comments made by another advisor (Public affairs) Sri Sajjala Rama Krishna Reddy was published. He while referring to some observations of the Supreme court, commented that the institutions under the constitution should have self-restraint and comments made by one institution against the other would cripple that institution. He made this comment keeping in view the observations by the High Court while dealing in a case and demanded

that in the event of making observations they should be incorporated in the orders.

I may submit that apart from the print media, several dignitaries including the Speaker of Assembly, some MLAs, party ~~posting~~ functionaries made comments over the Sakshi TV channel. The purport of their comments was that the High court is extravagantly, and unwanted creating hurdles in the way of the Government in their governance. Their projection is that their leader is a unique person having mandate of 151 MLAs out of 175 strength, hence the courts should respect him as a superior ~~permanently~~.

Now comes the letter dated 6.10.2020 of the Chief Minister, addressed to the Hon'ble Chief Justice.

All the comments made by several persons mentioned above are substantially reflected in the letter. In fact it has gone a step further to state in para 3 that

“each one of the three branches of Governance are designed to act as checks against the other for balancing the great powers endowed by the constitution”

In my humble opinion it suggests that a Chief Minister or a Government can put the judiciary or parliament in check. I am afraid whether such is the position in the constitution. In my opinion the Chief Minister is clearly under an illusion.

Given the protocol discipline, I am not supposed to comment on the truth or otherwise of the contents of the letter of the Chief Minister. But I would like to venture to lift the veil to see through the intention behind the letter and what it amounts to vis-a-vis the credibility of courts in the eyes of the public.

From para 5 (c) onwards the Chief Minister has dwelled upon certain events to label the state Judiciary as biased against him.

First he has referred to a cabinet decision and the eventual assembly opinion to initiate enquiry into the alleged illegal land dealings in the capital region. He claims that it is his sacrosanct duty enjoined on him by virtue of the massive public mandate. At the same time he has clearly admitted that these facts are forming part of the SLP.No. 20524/2020 filed in the Supreme court.

The chief Minister has then mentioned in para 5 (d) that during the course of investigation by the ACB, it came to light that the two

daughters of Hon'ble Sri Justice N.V.Ramana, a sitting Judge of the Supreme court and some of his close associates and relatives were benefited through various land transactions which are questionable. Justice Sri Ramana extended Judicial favour having nexus between him and the former Advocate General Sri Dammalapati Srinivas. He also said that these actions are part of record of the Supreme court. He infers knowledge and acquiescence of Justice Ramana in these transactions.

In para 7 the Chief Minister has made scathing allegations, against Sri Justice Ramana. He states with certainty that the learned Judge has been influencing the matters of the High court including roaster of a few judges and matters are being allotted to certain judges, alleging nexus between them. He has referred to the orders passed by the Hon'ble Chief Justice Sri J.K. Maheswari in WP.No. 16468/2020 filed by the former Advocate General. He admits that this order he has challenged by filing SLP in the Hon'ble Supreme court. He has referred to an interim order dated 16.9.2020 passed by Hon'ble Justice D.V.S.S. Somayajulu. Even against this order he has filed SLP No.20524/2020.

The object of my letter is not to say about the truth or otherwise of the allegations made by the Chief Minister, but to impress upon the fact whether a letter of this nature could be addressed to the Hon'ble Chief Justice to deal with the matter on the administrative side.

In his own admission, the matter relating to land transactions is pending before the court in SLP.No. 20524/2020 for consideration on the judicial side. The several allegations made against the former Advocate General and the two daughters of Justice Ramana is said to be part of record of the court in a connected litigation. Similarly the "gag" order passed by the Hon'ble Chief Justice Maheswari is also under challenge on the judicial side, Interim order dated 16.9.2020 passed by Hon'ble Justice Sri Somayajulu is also pending Judicial consideration in SLP.No. 20524/2020.

The propriety and nature of the letter seeking administrative intervention of the Hon'ble Chief Justice has to be examined in the light of the challenge of the same allegations on the Judicial side of the court. In my humble opinion, petitioning for the administrative interference of the Hon'ble Chief Justice, when the court is seized of the matter on its

Judicial Jurisdiction amounts to direct interference with the Administration of Justice. By seeking such intervention, the Chief Minister is obviously putting pressure on the court to pass orders as desired by him. His letter double^{ed} edged, that if orders are passed as desired in his favour he would stand vindicated or else he can go the public that Supreme court is also against him. To lift the veil further, his intention is clear from a relevant fact which he conveniently suppressed. He is an accused chargesheeted by the CBI in as many as 11 cases pending trial before the Special CBI court at Hyderabad, Telangana State, pertaining to offenses of dis-proportionate assets and money laundering via quid pro quo involving several companies. His own affidavit filed before the election commission in March 2019 shows that he is an accused in 31 cases, out of which 11 are of those of the CBI, 7 Enforcement Directorate cases and 13 cases in different police stations and lower courts. To my knowledge atleast those cases of CBI and E.D are still pending. Circumstances that he being an accused in potentially serious cases without disclosing these facts and attacking the senior most sitting senior Judge of the Supreme Court and addressing letter to no other than Chief Justice of India for action would possibly mount pressure on the learned Trial Judge, in Hyderabad.

I must also refer to the news paper dated 11.10.2020 wherein several Judges are dragged into unwarranted controversy under the Caption "High Court orders aiming benefit to T.D.P." It is alleged that Justice Ramana is influencing Judicial administration in the state through the Chief Justice Jithendra Kumar Maheswari. Rosters are manged as decided by Chandra Babu Naidu to include Justice Seshasai, Justice M.Satyanarayana Murthy, Justice D.V.S..S.Somayajulu, and Justice D.Ramesh. It is alleged that Justice K.Lalitha Kumari is one of the Judges who is protecting the interest of TDP. Orders passed by these Judges are cited as reasons to brand them as influenced.

Latest news paper dated 12.10.2020 stepped up the constant attack on the judiciary under the caption "Justice only with enquiry" it is said that the letter to the Hon'ble Supreme court is creating tremors.

I may humbly submit that the approach of the Chief Minister is more than clear that he wants to ^{be little} ~~be little~~ the judiciary and reap undue advantages in the cases pending against him.

The timing of the letter is worthy to be noted. Hon'ble Supreme Court through the Bench headed by Justice Ramana passed orders on 16.9.2020 to expedite trial of cases, concerning politicians. On 6th

October the Bench asked for some information to enable passing substantive orders to fast track long pending trials. The Chief Minister letter is also dated 6.10.2020. A further fact that cannot be glossed over is that Justice Ramana being the senior most Judge, given the well established norms, has a legitimate right to become your successor. The archestrated allegations are designed to deny that right to him.

The Chief Minister, instead of pursuing legal remedies which he has already invoked against the orders of the High Court has resorted to a short cut by invoking the administrative Jurisdiction of the court with ulterior motives.

Series of the derogatory statements mentioned above which were published in the "Sakshi" news paper and in social media, in my opinion is causing irreparable damage to the reputation of Judiciary, particularly the State Judiciary and several High Court Judges. Making such statements not only scandalizes the courts in the eyes of the public but also amounts to direct interference in the administration of Justice, besides causing irreparable damage to the reputation of individual Judges.

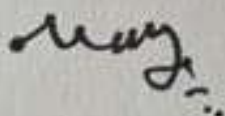
I have addressed this letter to express my anguish, seeking dispassionate consideration at your Lordship's end to preserve the

majesty of courts. The supreme Court has withstood such attacks in the past, more particularly with its pronouncement in "Kesavananda" case. The learned Judges are bold to withstand such attacks. No doubt boldness should come within, but it should also flow from all judges including your lordship and other brother Judges as an institution to make them bold enough.

The letter of the Chief Minister, in my opinion, is liable to be treated as scandalizing the court, attracting appropriate action.

Thanking you,

Yours Sincerely,



(JUSTICE (RETD) NOUSHAD ALI)