ITEM NO.8 COURT NO.6 SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

M.A. 766/2017 in SLP(C)....D. 4488/2017

BISWA NATH BANIK **Petitioner(s)**

VERSUS

THE SECRETARY GENERAL SUPREME COURT OF INDIA **Respondent(s)**

(WITH PERMISSION TO APPEAL AND ARGUE IN PERSON, APPROPRIATE ORDERS/DIRECTIONS, APPEAL AGAINST REGISTRAR'S ORDER)
Date : 09-07-2018 This matter was on for hearing today.

CORAM :
HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE L. NAGESWARA RAO

Mr. Dushyant Dave, Sr. Adv. (A.C.)
Ms. Liz Mathew, Adv. (A.C.) Mr. Navneet R., Adv.

For Petitioner(s) **Mr. Biswa Nath Banik,in-person**

For Respondent(s)

UPON hearing ptr.-in-person the Court made the following

O R D E R

We have heard the petitioner appearing in person.

We found his conduct and demeanour incontrovertible. We, therefore, requested Shri Dushyant A. Dave and Ms. Liz Mathew to assist this Court as Amici Curiae. Having heard learned counsels who having gone through the matter carefully submitted that the petitioner is making all kinds of reckless allegations because he is dissatisfied with the judgment rendered by this Court on 21.03.2006 and

reported as Haridas Das vs. Usha Rani Banik (2006) 4 SCC 78. That was a matter arising out of Title Suit No. 2 of 1987 before Trial Court at Karinganj, Assam filed by Haridas Das against Usha Rani Banik for cancellation of sale deed dated 26.09.1986.

The petitioner also made certain allegations in the past because of which he was convicted for contempt of Court in the case of Haridas Das vs. Usha Rani Banik (Smt.) & Ors. (2007) 14 SCC 1. Apparently his conviction and sentence has not had the desired effect and the petitioner continues to give vent to his frustration in Court proceedings. He has also done so in the present case.

The allegations which are on record are extremely contumacious. We do not consider it appropriate to reproduce the same in this order, since they are a matter of record. Suffice it to say that the allegations are not only against the officials of the Registry of this Court and other Courts but also against counsels and the Judges who have dealt with his matter. Needless to say such allegations bring the administration of justice into disrepute and constitute criminal contempt of this Court. However, we decline to take cognizance of the petitioner's

conduct in the contempt jurisdiction of this Court because we consider his conduct to be hopeless and we are satisfied that it is not possible to put any good sense in his mind. Moreover, it is not necessary to take action since the petitioner who is present in Court has tendered an apology for the allegations made therein. His statement that he wishes to withdraw his application is taken on record.

Shri Dave, learned senior counsel submitted that it would be best in the circumstances of the case to ignore the petitioner's conduct. We accordingly do so. However, as suggested by Shri Dave, we consider it appropriate to relieve the Courts of the menace of the petitioner's onslaught relating to proceedings containing contemptuous allegations. We accordingly, direct that the petitioner shall be permanently restrained from taking out any proceedings or moving any court including this Court in relation to title Suit No. 2/1987 or any motion or application arising therefrom. The petitioner shall not be issued a proximity Card or pass of this Court if he seeks entry in relation to any proceedings arising out of title Suit No. 2/1987.

However, it is made clear that he is entitled to approach any court in respect of grievance other than

the subject matter of the present proceedings and shall not be denied access to justice. We, further make it clear that the appropriate court will be entitled to reject his proceedings if the allegations are improper, scurrilous or contemptuous.

The writ petition and all pending applications are dismissed.

The record of this case along with his proximity card may be sealed and in any case shall not be published anywhere.

We appreciate the pains taken by Shri Dave and Ms. Liz Mathew who have spent valuable time in a thankless task.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Indu Kumari Pokhriyal]
Asstt. Registrar