

W.A(MD)No.510 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.510 of 2023
and
C.M.P(MD)No.5219 of 2023**

Dr.D.Vetrichelvan

... Appellant / Petitioner

Vs.

1.The Tamil University,
Represented by its Registrar,
Tamil University Road,
Thanjavur – 613 010.

2.The Vice Chancellor,
Tamil University,
Tamil University Road,
Thanjavur – 613 010.

3.Dr.G.Palanivelu

4.The Secretary to Government,
Department of Tamil Developments and
Hindu Religious and Charitable Endowments,
Fort St.George, Chennai – 9.

5.The University Grants Commission,
Represented by its Secretary,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.

... Respondents /Respondents



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Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order passed in W.P(MD)No.12532 of 2017 dated 17.06.2022 and allow the same.

For Appellant : Mr.B.Saravanan, Senior Counsel
for Mr.D.Kirubakaran

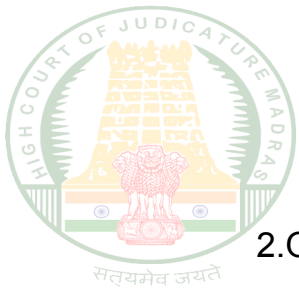
For Respondents : Msr.Sachin Rahul
for M/s.Arul Vadivel Associates
for R1 & R.2

Mr.G.Prabhu Rajadurai
for Mr.R.Ganesh Prabhu for R.3

Mr.C.Venkatesh Kumar
Special Government Pleader
for R4 & R5

ORDER

The above writ appeal was listed before us on 23.07.2025. In the cause list, the name of Thiru.S.Vanchinathan was printed as one of the counsel. He was, however, not present. Thiru.S.Vanchinathan claims to be an activist. He has given several interviews to various YouTube Channels. He has been alleging that one of us (G.R.S,J) is exhibiting caste bias. A Judge has to hear and dispose of a matter with a free mind. Since the name of Thiru.S.Vanchinathan was in the cause list as counsel, it did disturb our judicial thought process. We really wanted to know if Thiru.S.Vanchinathan continued to suspect the judicial integrity of one of us (G.R.S,J.). We therefore directed him to be present in person on 24.07.2025 at 01.15 P.M.



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2. On 24.07.2025, Thiru.S.Vanchinathan appeared before us. When we posed a direct question to him whether he stood by his imputation of caste bias on the part of one of us (G.R.S,J.) in the discharge of his judicial duties, he declined to answer the question. Instead, he demanded that we should serve the questionnaire in writing. We, therefore, directed the Registry to issue pre-cognizance notice to him.

3. Copy of the pre-cognizance notice dated 25.07.2025 reads as follows :

Pre – Cognizance/Institution Notice

WHEREAS M/S.D.KIRUBAKARAN, learned counsel filed the Writ Appeal as against the order passed by the Honourable Mrs. Justice. S. SRIMATHY in W.P.(MD). No. 12532 of 2017 dated 17-06-2022 and

While hearing the above Writ Appeal on 24.07.2025 this Hon'ble Court hath directed to issue Pre-Cognizance/Institution Notice to you, the aforesaid M/s.S.Vanjinathan, (En.No.1867/2004) Advocate, and you are hereby directed to appear in person before the Madurai Bench of Madras High Court. on 28.07.2025 at 01.15. P.M. in person and explain:

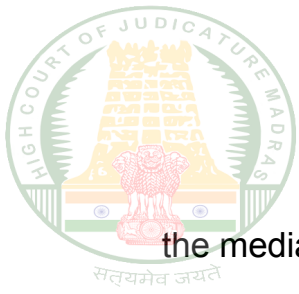
“Whether you, S.Vanjinathan, (En.No.1867/2004) stand by your imputation of caste bias on the part of Justice G.R.Swaminathan in the discharge of his Judicial Duties?”

GIVEN under my Hand and Seal of this Court, this 25th day of July 2025.

Madurai Bench of
Madras High Court, Madurai.

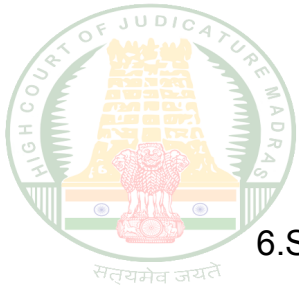

@/c Additional Registrar General
AP S.S. 25/7/25 25/7/25
(typist) 15 07

4. During the intervening weekend, a hall meeting was organized on 26.07.2025. It was followed by a press conference. Justice D.Hariparanthaman, former Judge of this Court, addressed the gathering and

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the media. Justice K.Chandru, another former Judge of this Court, published a statement on his behalf and on behalf of a few other retired Judges questioning the process adopted by this bench. It is interesting to note that one of those judges made it clear that he had not authorised the issuance of the statement. It is for Justice K.Chandru to explain this. Be that as it may, we have to record our dismay as to how such interference with judicial process can be made. Several assumptions which have no factual basis have been made. We characterize their approach as most unfortunate.

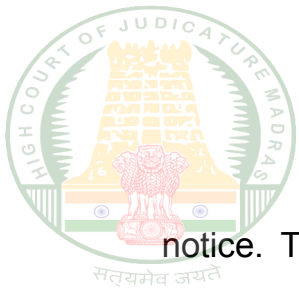
5.It appears that Thiru.S.Vanchinathan has sent a written complaint last month against one of us (G.R.S, J.) to the Hon'ble Chief Justice of India. Thiru.S.Vanchinathan and his ilk had without any basis have assumed that issuance of the pre-cognizance notice is a fall out of the aforesaid complaint. Nowhere in our earlier order dated 24.07.2025, there is any reference to the alleged complaint said to have been sent by Thiru.S.Vanchinathan to the Hon'ble Chief Justice of India. We make it clear that the present proceedings have nothing to do with the said complaint. We issued the notice only because of the persistent campaign being conducted by Thiru.S.Vanchinathan in the social media against one of us (G.R.S,J.) attributing improper motives in judicial functioning.



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6.Secondly, we had not till this moment, initiated any contempt action against Thiru.S.Vanchinathan. That Thiru.S.Vanchinathan has been slandering one of us (G.R.S,J.) is beyond dispute. In his presence, the video recording of one of his interviews was played in the open court. The interview bears the title “G.R.Swaminathan ஜாதி பாசம்”. This interview was telecast by Arakalagam Channel on 23.05.2025. Thiru.S.Vanchinathan referring to a court proceeding of a bench comprising (GRSJ & Justice V.Lakshminarayanan) remarked that Thiru.P.S.Raman, Advocate General was spared because he is a brahmin and that Thiru.Wilson, Senior Counsel was targeted because he is not a brahmin. In the very same interview, allegation of religious bias was also made. This interview is only a sample. There are scores of such YouTube videos. There is a saying in Tamil “ஒரு பாணை சோற்றுக்கு ஒரு சோறு பதம்”. It is because of such scandalizing campaign carried out by Thiru.S.Vanchinathan in social media that the present pre-cognizance notice was sent. We wanted to comply with the principles of natural justice even before making a reference to the Hon'ble Chief Justice in this regard. Our intention was to close the matter if Thiru.S.Vanchinathan had indicated change of heart.

7.Thiru.S.Vanchinathan does not have any such intention. But he had been cleverly advised. He therefore declined to take any stand before us. His written reply is completely silent on the query raised in the pre-cognizance

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notice. Thiru.S.Vanchinathan probably knows that if he repeats his slander before this Court either in person or in writing, consequences will follow. This speaks for the courage of the man. A person who proclaims himself as an activist must stand by his statement and be ready to take the consequences. He should not evade. When his own interview was played and his attention was pointedly drawn to certain parts of it, he kept on mumbling that it must be given to him in writing.

8.Judicial independence is a basic feature of the Constitution. We Judges have taken oath to discharge our judicial duties not only without favour but also without fear. When a Judge disposes of a matter, the lawyer before him neither wins nor loses. It is the case that is won or lost. Lawyers and Judges belong to one large family. They are members of the legal community. When a Judge sits on the dias, he discharges his judicial duties as per his conscience and by strictly adhering to the judicial oath. He cannot be seen as carrying on his caste or religious labels while on the bench. If someone continues to have such a perception, he obviously has jaundiced eyes. The legal system provides for remedies and recourse has to be taken to them by persons aggrieved by individual decisions. Without doing so, launching communal campaigns on the social media would eventually weaken the system itself. Time has come to regulate the level of discourse in the social media. In the name of freedom of speech and expression, one cannot

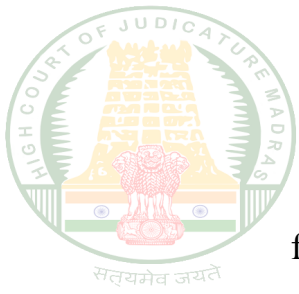


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condone acts of contempt. The channels which rake in monies by such slanderous campaigns will have to be taken head on. Lawyers who make such statements are guilty of professional misconduct. There is something called laxman rekha which if crossed must invite peril. Thiru.S.Vanchinathan has mobilized a group of lawyers and retired Judges to rush to his rescue. They have also passed reckless comments without waiting for today's outcome. Gratuitous appeals and advice have poured forth. We ignore them with the contempt which they deserve.

9.It is relevant to note that Thiru.S.Vanchinathan was suspended by the Bar Council of India on the ground that his conduct was unbecoming of an advocate. Though he was expected to improve his conduct after revocation of the suspension, it appears that he has not changed his ways. He continues to slander judiciary. The social media is replete with his videos. It is one thing to criticise judgments but entirely another to cast aspersions on judges. The Hon'ble Division Bench of the Kerala High Court very recently convicted and sentenced a contemnor in ***Cont Case Crl No.3 of 2024 (Suo motu, High Court of Kerala v. P.K.Suresh Kumar)*** for attributing ideological bias to certain Judges of the Kerala High Court. Paras 36, 41 and 43 of the said order read as follows :

“36.In *Het Ram Beniwal v. Raghuveer Singh*, the Apex Court stated in unequivocal terms that though every citizen has a

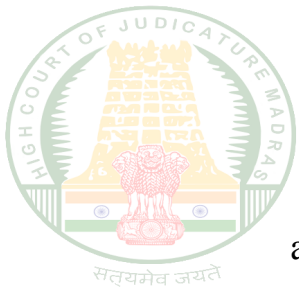
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fundamental right to speech, guaranteed under Article 19 of the Constitution of India, the contempt of court is one of the restrictions on such right. If a calculated effort is made to undermine the judiciary, the courts are required to exercise their jurisdiction to punish the offender for committing contempt. In that view of the matter, the respondent cannot seek refuge under Article 19 of the Constitution of India, as casting scurrilous and objectionable remarks against Judges, and attributing improper motives to those discharging judicial functions, amounts to criminal contempt and falls outside the protective ambit of free speech.

41. In Halsbury's Laws of England (4th Edn., Vol. 9, para 27, p. 21), it is stated that scurrilous abuse or personal attacks on a judge or court amount to punishable contempt. The objective is not to shield individual judges from criticism but to protect public confidence in the administration of justice, which would be undermined if judicial authority is brought into disrepute. While fair, temperate, and good-faith criticism is permissible, allegations of partiality, bias, or improper motives strike at the very heart of judicial integrity and are treated with particular seriousness.

43. In Dr. D.C. Saxena v. Hon'ble The Chief Justice of India, the Apex Court held that imputations of bias, corruption, or partiality to a judge amount to scandalising the court and constitute criminal contempt. Even a tendency to lower the



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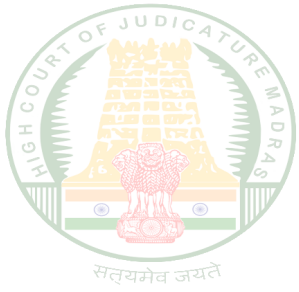
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authority of the court or obstruct the administration of justice is sufficient. The focus is not on proving intent or mens rea but on the effect of the act—whether it tends to diminish public confidence in the judiciary. The Apex Court emphasised that action for contempt is not to vindicate the judge's personal dignity but to uphold the majesty and independence of the judicial institution. Scandalising the court, whether through defamatory posts, reckless allegations, or vilification, taints the very fountain of justice and must be sternly dealt with.”

10.The Hon'ble Supreme Court in ***Vijay Kurle, In re, (2021) 13 SCC***

616 observed as follows :

“58. There can be no manner of doubt that any citizen of the country can criticise the judgments delivered by any court including this Court. However, no party has the right to attribute motives to a Judge or to question the bona fides of the Judge or to raise questions with regard to the competence of the Judge. Judges are part and parcel of the justice delivery system. By and large, Judges are reluctant to take action under contempt laws when a personal attack is made on them. However, when there is a concerted attack by members of the Bar who profess to be the members of an organisation having a large following, then the court cannot shut its eyes to the slanderous and scandalous allegations made. If such allegations which have not only been communicated to the President of India and the Chief Justice of India, but also widely circulated on social media are permitted to remain



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unchallenged then the public will lose faith not only in those particular Judges but also in the entire justice delivery system and this definitely affects the majesty of law.”

The conduct of Thiru.S.Vanchinathan has to be judged in the light of the above principles. Thiru.S.Vanchinathan in his reply dated 28.07.2025 has submitted that it is the Hon'ble Chief Justice of the Madras High Court who can take a call in the matter. We also have no doubt on this score.

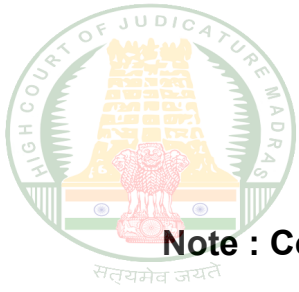
11.We need to make one more clarification. Sun News has carried a ridiculously false and absurd news item. It made it appear as if in response to the public statement made by Senior lawyers and retired judges, we have chosen to transfer the case to the file of the Hon'ble Chief Justice. We have already clarified our stand with regard to the public statements. We are aware of the procedural rules and our order will be in consonance with the same. Our course of action cannot be governed by public statements.

12.We, therefore, direct the Registry to place the papers before the Hon'ble Chief Justice of the Madras High Court and it is for the Hon'ble Chief Justice to take such action as His Lordship deems fit and appropriate.

[G.R.S., J.] & [K.R.S., J.]

28.07.2025

SKM



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Note : Copy to be issued on 29.07.2025

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Copy to :

The Registrar (Judicial),
Madurai Bench of the Madras High Court,
Madurai.



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G.R.SWAMINATHAN, J

and

K.RAJASEKAR, J.

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and

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