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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 26.02.2025

Delivered on : 07.03.2025.

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.443 of 2025

and

C.M.P.No.2649 of 2025

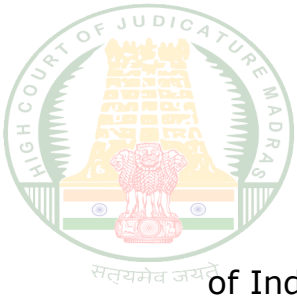
Kamalesh Chandrasekaran

Petitioner

vs.

1. M.A.Noor Jehan Beevi
2. K.A.Shaik Madar
3. Abdul Hassan
4. Sub Registrar,
Sub Registrar Office,
Mylapore.
5. Life Style Builders,
through its Managing Director,
Mr.Priyank Pincha,
3rd Floor, No.2, Mc.Nichols Road,
3rd Lane, Chetpet,
Chennai 600 031.
6. The Secretary,
Bar Council of Tamil Nadu
and Puducherry,
High Court, Chennai.

Respondents



Civil Revision Petition filed under Article 227 of the Constitution of India seeking to set aside the Decretal order of the XVIII Additional City Civil Court, Chennai in C.M.A.No.35 of 2024 dated 21.12.2024 confirming the order of XVI Assistant City Civil Court, Chennai in I.A.No.2 of 2024 in O.S.No.5111 of 2024 on 30.9.2024 and allow the revision.

For Petitioner : Mr.V.Prakash, Senior Advocate
for M/s.Preethi Basker

For R1 to R3 : Mr.S.Ganesan for
M/s.Colonel Ganesan Associates

For R4 : Mr.P.Gurunathan,
Additional Government Pleader (CS)

For Asst. Commissioner of Police
Kotturpuram : Mr.V.J.Priyadarsana,
Govt. Advocate (Crl. Side)

For Bar Council of
Tamil Nadu & Pondicherry : Ms.Greetha Senthilkumar, Secretary

ORDER

The present civil revision petition has been filed by the plaintiff in O.S.No.5111 of 2024 seeking to set aside the order dated 30.9.2024 passed by the XVI Assistant City Civil Court, Chennai, declining to grant an order of injunction sought for by the plaintiff and the order dated 21.12.2024 passed by the XVIII Additional City Civil Court, Chennai in C.M.A.No.35 of 2024, which confirmed the order passed by the Trial Court.



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2. Brief facts of the case that could be ascertained from the materials produced by the plaintiff viz., **Kamalesh** son of Chandrasekar, who is arrayed as petitioner in the civil revision petition as **Kamalesh Chandrasekaran** are as under:-

i) The suit property is a vacant land viz., Plot Nos.12 and and 13, Subbarayan Salai, Mylapore, Chennai 600 004, to an extent of 3 grounds and 1995 sqft.

ii) Defendants 1 to 3, who are respondents 1 to 3 herein being title holders to the suit property as one of having acquired under registered Settlement Deed, the second defendant had approached the plaintiff seeking assistance for disposal of the suit property contending that it was under occupation of 67 families illegally for more than 98 years and thereby requested the plaintiff to manage the litigation relating to the suit property on his behalf and to take steps to vacate the occupants from the premises and there were more than 40 civil suits pending before the City Civil Court, Madras.

iii) After mutually agreeing the terms of the agreement and the terms of the sale (**not averred earlier**), the plaintiff had paid a sum



of Rs.1,00,00,000/- (Rupees one crore only), which was acknowledged in the said agreement dated 6.2.2023.

iv) As per the said agreement, the defendants had agreed to sell and the plaintiff had agreed to purchase the suit property for a sale consideration of Rs.7,25,00,000/- (Rupees seven crores and twenty five laksh only).

v) The above referred one crore rupees was paid by the plaintiff in three ways, one for Rs.7 lakhs by IMPS, Rs.3 lakhs by way of cash and Rs.90 lakhs by cheque in favour of the vendor vide cheque No.783784 dated 10.4.2023 drawn on State Bank of India, Nanganallur, Chennai 600 061. It was agreed that the purchaser viz., the plaintiff shall pay the balance sale consideration viz., Rs.6,25,00,000/- at the time of registration and execution of the sale deed (i.e., within two months from the date of agreement).

vi) The substantial personal funds, accrued through years of hard work and savings have been invested in efforts to resolve the issue of the illegal occupants and secure their eviction from the suit premises. Thereby, the plaintiff had spent approximately Rs.1.25 crores as part of sale consideration towards the settlement and eviction of the unauthorized occupants from the suit property.



vii) Whiles, defendants 1 to 3 had approached an investor viz.,

Mr. Jamal Mohammed Ibrahim to secure additional funds required for the eviction process due to a shortfall and upon entering into an agreement with the defendants, the said Jamal Mohammed Ibrahim had provided additional funds for the remaining eviction process.

viii) Out of 67 families residing in the suit property for over 96 years, the plaintiff had successfully utilized his funds to the tune of Rs.1.25 crores to vacate 27 families and the defendants sought that amount as part of the sale consideration for the suit property.

ix) After securing the funds and facilitating the removal of the illegal occupants, the defendants reneged on their commitment to sell the suit property to the plaintiff and instead initiated negotiation with the fifth defendant, seeking to sell the suit property for a higher price.

x) The defendants have maliciously executed a General Power of Attorney in Document No.2440 of 2024 dated 8.7.2024 in favour of third parties and are colluding with them to dispose of the suit property as quickly as possible, without settling the plaintiff's financial investments.

xi) Though the defendants have settled the loan amount obtained from Jamal Mohammed Ibrahim to avoid any complications



during the registration process, they have wilfully defrauded the plaintiff by failing to return the plaintiff's funds.

xii) The plaintiff has always been and continues to be willing to perform his obligations under the Sale Agreement, which the defendants have refused to honour. Moreover, the defendants are now causing disturbances, engaging in conflicts and denying their obligations under the sale agreement and thereby, the plaintiff has no alternative but, to seek relief of permanent injunction from this court restraining the defendants from alienating or creating any encumbrance over the suit properties until the execution of the terms of the agreement or until the plaintiff's entire investment including the sale advance and expenses for evicting illegal encroachers is returned and hence, the suit has been filed.

xiii) Pending the suit, the plaintiff had filed an application in I.A.No.2 of 2024 seeking ad-interim injunction and the same was dismissed by the Trial Court by order dated 30.9.2024. The appeal challenging the said order filed by the plaintiff in C.M.A.No.35 of 2024 was also dismissed by order dated 21.12.2024. Questioning the correctness of such concurrent finding, the present civil revision petition has been filed by the plaintiff.

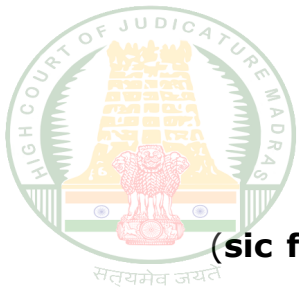


WEB COPY 3. The grounds pleaded by the petitioner in the civil revision petition, in a scattered manner, are as under:-

i) The Trial Court erred in dismissing the petition filed by the petitioner seeking an ad-interim injunction under Order XXIX Rule 1 and 2 of CPC on the ground that there were no averments in the agreement stating that possession was handed over to the petitioner at the time of sale agreement.

ii) The Trial Court (**sic for appellate court**) erred in its understanding, as the petitioner's counsel clearly explained that the caveat filed by the respondents was no longer in force when C.M.A.No.35 of 2024 was filed. The counsel demonstrated that the caveat had lapsed, thereby eliminating the requirement for prior notice to the respondents before seeking an interim order. The petitioner's counsel provided a thorough explanation, ensuring the court was fully informed about the status of the caveat at the time of filing the appeal.

iii) The Trial Court (**sic for appellate court**) failed to consider that Caveat No.1272 of 2024 was filed on the Original Side and not for any proceedings on the appellate side. The respondent, on the other hand, failed to file a caveat for the expected C.M.A. The Trial Court



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(**sic for appellate court**) further failed to appreciate that the caveat was filed solely in relation to the expected O.S. and C.R.P. and not for the C.M.A. Despite this, the Trial Judge (**sic for appellate Judge**), upon perusing the records and admitting the same in open court, proceeded to grant an interim stay in C.M.A.No.35 of 2024. At no point did the petitioner/appellant misrepresented or misled the Trial Judge (**sic for appellate Judge**).

iv) The Trial Court (**sic for appellate Court**) erred in dismissing the petition solely based on the hearing of the I.A., without affording the appellant an opportunity to present their case on merits, thereby violating the principles of natural justice.

v) The statements made by the Trial Judge (**sic for appellate Judge**) is completely contradictory with what is being stated in the order passed in the C.M.A. On admission of the Civil Revision Petition, the petitioner would definitely file another writ petition for transfer of case and thereafter shall proceed with the C.M.A. as the judgment made is highly surprising and suspicious.

vi) The Trial Court failed to recognize that the absence of an explicit mention of possession in the agreement does not negate the fact that possession was, in fact, handed over to the petitioner as per



the mutually agreed terms. Granting an ad-interim injunction to not to alienate would not result in an erroneous outcome but would rather serve to protect the petitioner's rights during the pendency of the suit.

vii) The Trial Court failed to consider the fact that after the eviction of each premises, the possession and keys were handed over to the petitioner by the respondents, in strict compliance with the agreed terms of the sale agreement. This crucial fact should have been duly considered by the court while assessing the petitioner's request for an ad-interim injunction.

viii) The Trial Court neglected to take into account that the suit property is in possession and control of the petitioner, who is actively monitoring the property through CCTV cameras installed at his own expense. This substantial evidence of possession was disregarded by the Trial Court, resulting in an incorrect and unjust decision.

ix) The Trial Court should have conducted a proper inquiry into the possession of the suit property by appointing an Advocate Commissioner before dismissing the petition. This step would have ensured that all relevant facts were properly considered, allowing the court to make an informed and just decision.

x) The Trial Court failed to recognize the binding nature of the



sale agreement between the petitioner and respondents when the petitioner had fulfilled his obligations, including significant financial investment of Rs.1.25 crores for eviction and settlement. Despite this, the Trial Court overlooked the respondents' breach of the agreement by attempting to sell the property to third parties. This fundamental breach should have been properly addressed by the Trial Court.

xi) The Trial Court failed to consider the petitioner's entitlement to an ad-interim injunction, overlooking the risk of alienation or encumbrance of the suit property, which could harm the petitioner's rights under the sale agreement dated 6.2.2023. The petitioner misled the court, as both sides were duly heard in I.A.No.2 of 2024 before the XVI Assistant City Civil Court, which dismissed the application.

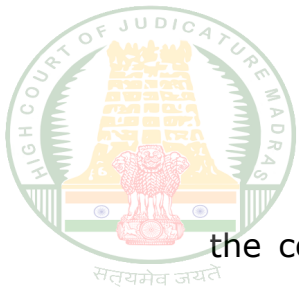
xii) The Trial Court (**sic for appellate court**) granted an interim stay till 13.12.2024 but failed to fully grasp the petitioner's request for an interim injunction to prevent the alienation or encumbrance of the suit property until the final disposal of O.S.No.5111 of 2024. The petitioner sought this relief to protect their rights and interests under the Sale Agreement, ensuring that no irreparable harm would occur during the pendency of the suit.



WEB COPY 4. With the above factual matrix and the grounds raised in the civil revision petition, Ms.Preethi Baskar, learned counsel on record for the petitioner-Kamalesh had submitted her arguments when the matter was taken up for hearing on **20.2.2025**.

5. When Mr.S.Ganaesan, learned counsel for M/s.Colonel Ganesan Associates, who appeared for respondents 1 to 3 on caveat was heard, to the shock and surprise of this court, had attributed some serious allegations against the other side and the counsel on record for the plaintiff viz., Ms.Preethi Baskar contending that originally, the said counsel had appeared for his parties viz., respondents 1 to 3 herein and thereafter, went in hand in glove of the other side in grabbing the suit property and as as on that date, some henchmen at the instance of the said counsel is putting wrongful restraint in the suit property, illegally encroaching the same.

6. Such allegations viz., having appeared for respondents 1 to 3 on earlier occasion with regard to the same suit property, deployment of some of her associates in the suit property had been admitted by



the counsel on record for the petitioner viz., Ms.Preethi Baskar. She had also submitted that she had joined a Firm called JMI Law Associates and received a sizable amount viz., Rs.1,37,50,000/- in her account for the same being used by one Jamal Mohammed Ibrahim, the proprietor of JMI Law Associates for clearing the encroachers from the suit property.

7. From the arguments advanced by the learned counsel for respondents 1 to 3 and the indifferent admission made by the counsel for the petitioner, this court, felt that some foul play could have taken place or there could be some possibility for the counsel being caught in the wrong hands and thereby had shown some leniency to the counsel to withdraw the civil revision petition, however, she had not shown any interest in withdrawing the civil revision petition, rather, she had shown much inclination only to conduct the case on merits. Thereupon, this court had directed the said counsel to furnish the details of her employment and about the registration of the Firm viz., JMI Law Associates, where she claimed to have been employed.

8. When the matter was, once again, taken up on 21.2.2025, the



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said counsel Ms.Preethi Baskar had expressed some inconvenience in producing the details sought for by this court and sought for an accommodation. Whileso, the learned counsel for respondents 1 to 3 had further apprised this court that the said counsel Ms.Preethi Baskar had also filed vakalat in the name of M/s.J.M.I. Law Associates before the District Munsif cum Judicial Magistrate, Pallavaram in O.S.No.1477 of 2023. He further submitted that one Jamal Mohammed Ibrahim, who is not a lawyer by profession, has uploaded posts in "LinkedIn" claiming to be an Entrepreneur showing the name of the Firm as M/s.J.M.I. Law Associates and he had engaged the present petitioner's counsel and some other Advocates in his firm and published advertisements in Naukri.com and AmbitionBox for recruiting Advocates for his Firm. The learned counsel for respondents 1 to 3 had also alleged about some wrongful restraint/encroachment in the suit property at the instance of the said counsel Ms.Preethi Baskar. Thereupon, this court had directed the Assistant Commissioner of Police, Kotturpuram to inspect the suit premises and furnish a report with regard to encroachment alleged.

9. When the matter was taken up for hearing on 24.2.2025 in



the morning session, Mr.V.Prakash, learned Senior Counsel had appeared for Ms.Preethi Baskar. Producing the details of employment of the said counsel and the GST Registration Certificate in respect of M/s.J.M.I.Law Associates had been produced in the court, the learned Senior Counsel submitted that Ms.Preethi Baskar was originally employed in mcAMDOIS Tech Solutions Private Limited through Naukri.com as a Legal Manager on 10.01.2023 and the law firm was registered on 26.02.2023 and thereafter, she was accommodated in JMI Law Associates and three vakalats had been filed by her on behalf of JMI Law Associates. Contending that if at all there exist only some procedural lapses or irregularities on the part of the said counsel Ms.Preethi Baskar and the possession in respect of the suit property remains with respondents 1 to 3, the learned Senior Counsel sought permission of this court to withdraw the civil revision petition contending that the lis could be continued by them before the Trial Court by contesting the application filed under Order VII Rule 11 CPC.

10. After hearing the learned Senior Counsel substantially on the allegations raised by the learned counsel for respondents 1 to 3, this court had, suo motu, impleaded the the Secretary, Bar Council of Tamil Nadu and Puducherry, High Court, Chennai in order to have



some clarification on the issue.

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11. In the afternoon session on 24.2.2025, the Secretary, Bar Council of Tamil Nadu and Puducherry, High Court, Chennai was heard on the issue. The Secretary had apprised this court the following aspects:-

i) As per Rule 2, Chapter III, Rule VI of the Bar Council of India (BCI Rules) (framed under Section 49(1)(a) of the Advocates Act,

An Advocate shall not enter into a partnership or any other arrangement for sharing remuneration with any person or legal practitioner, who is not an advocate.

ii) As per Rule 36, Chapter II, Part VI of the Bar Council of India (BCI) Rules,

An advocate shall not solicit work or advertise, either directly or indirectly, whether by circulars, advertisements, touts, personal communications, interviews not warranted by personal relations, furnishing or inspiring newspaper comments, or producing photographs to be published in connection with cases in which the advocate has been engaged or concerned.

An advocate shall not permit his/her name to be used in



connection with advertisements or such unauthorized practices.

WEB COPY The Code of Conduct framed under BCI rules further reiterates that advocates shall maintain professional integrity and do not engage in acts that could mislead the public or undermine the legal profession.

iii) As per Contempt of Courts Act 1971,

Individuals, who misrepresent themselves as advocates and engage in unauthorized legal practice can be held liable for both civil and criminal contempt.

iv) As per Order 3, Rule 2 of the Rules of the High Court, Madras Appellate Side, 1965,

No such partnership shall be entitled to act or plead in any court unless all the members thereof are entitled to act or plead in such court.

v) As per clause 6 of Order III Rule 2(6) of Rules of the High Court, Madras Appellate Side, 1965,

Self-attested copy of Enrolment Certificate issued by the BCT&P (respective partners).

vi) Clause 33 of the Standards of Professional Conduct and Etiquette to be observed by Advocates made by the Bar Council of India under Section 49(1)(c) of the Advocates Act, 1961,



WEB COPY An advocate, who has at any time, advised in connection with the institution of a suit, appeal or other matter or has drawn pleadings or acted for a party, shall not appear or plead for the opposite party.

12. While the learned Senior Counsel had insised for withdrawal of the civil revision petition, the learned counsel for respondents 1 to 3 had strongly objected for permitting the withdrawal of the civil revision petition pointing out that certain serious issues are involved in the matter. Considering the anomalous situation, this court had directed the learned counsel for respondents 1 to 3 to file an affidavit of chronological events and adjourned the case to 26.2.2025.

13. On 26.2.2025, the learned counsel appearing for respondents 1 to 3 had produced an affidavit of chronological events as directed by this court, however, this court, on perusal of the same, finds that it is nothing but almost a reproduction of the counter affidavit filed by him earlier, of course, a little bit precise one.



WEB COPY 14. Having heard the learned counsel for the parties and perused the materials available on record, this court finds that it is a peculiar case, where a holder of an unregistered agreement for sale, seeks for an injunction admittedly, against the title holders of a property. Having failed before the Trial Court and the appellate court in getting an order of ad-interim injunction pending trial in a suit filed by him seeking a relief of permanent injunction in simplicitor, the plaintiff had chosen to file the present civil revision petition. The law is well settled that while a person has every right to protect his possession against any person who does not prove a better title, a person in wrongful possession is not entitled to an injunction against the rightful owner.

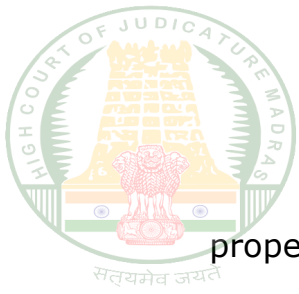
15. Before ever delving upon the merits of the case, many allegations of unethical practice in the profession have been levelled against the counsel on record for the plaintiff by the learned counsel for respondents 1 to 3 and vice versa. Such allegations, in the opinion of this court, do not appear to be mere incidental, but, interwoven with the merits of the case and thereby without coming to a conclusion with regard to the allegations so levelled by each other



viz., parties as well as the counsel, it may not be appropriate to probe into the merits of the case for rendering substantial justice, which necessitated this court to, suo motu, impleaded the Secretary, Bar Council of Tamil Nadu and Puducherry, High Court, Chennai and heard Ms.Greetha Senthilkumar, Secretary and issued a direction to the Assistant Commissioner of Police, Kotturpuram, Chennai to inspect the suit property and furnish a report upon encroachment of the suit property.

16. Upon such steps initiated by this court, a Report has been filed by the Assistant Commissioner of Police, Kotturpuram, Chennai, which revealed the following:-

i) On 07.09.2024, the respondent/K.A.Sheik Madar had given a complaint against the petitioner that the petitioner is trespassing along with henchmen and put up name board on the subject matter property illegally. Based on the complaint, C.S.R No.408 of 2024 has been registered and subsequently, on 09.09.2024, the petitioner/Kamalesh Chandrasekaran had given a complaint against some unknown persons that they came by Auto bearing registration No.TN 07 DC 6861 and threatened the petitioner and removed the name board in the disputed



property, for which C.S.R. No.409 of 2024 has been registered. After enquiry, both the C.S.R's were transferred to CCB , Chennai for further action on 21.10.2024.

ii) Thereafter, on 15.01.2025, the petitioner/Kamalesh Chandrasekar had given a complaint before the Deputy Commissioner of Police, Mylapore against the respondent regarding cheating and forgery of documents and the same was forwarded to the Inspector of Police, E-4 Abiramarapuram Police Station, Chennai vide C.No.08/AC KPM/DC MyP/PG/25.

iii) On 17.01.2025, husband of respondent, Sheik Mathar preferred a complaint against the petitioner before the Deputy Commissioner of Police, Mylapore, Chennai regarding that the petitioner along with his henchmen trespassed and damaged the Life Style Builders Board and also threatened her as well as they attacked the Watchman.

iv) From the enquiry, it reveals that, already there is a Civil Case pending between both parties in O.S.No.5111 of 2024 on the file of the XVI Assistant City Civil Court, Chennai. Already, C.S.R No.408/2024 and 409/2024 on the file of the E-4 Abirapuram Police Station were transferred to the Central Crime Branch, Chennai for



further enquiry. Therefore, the above said two current papers are kept pending by E-4 Abiramapuram Police Station, in view of the pendency of the above said civil case.

v) The respondent also filed CrI.O.P.No.4489 of 2025, before this Court for seeking Police Protection for his life and his property, based on the complaint lodged on 17.01.2025 and the above petition came up for hearing on 24.02.2025, after hearing, this Court had ordered notice to the petitioner herein.

vi) In compliance of the directions issued by this court on 21.02.2025, the Assistant Commissioner of Police, Kotturpuram alongwith the Inspector of Police, E4, Abiramapuram Police Station and their team conducted an inspection of the premises.

vii) The premises was found to be a vacant land, fully enclosed by a compound wall. At that time of inspection, no one were present inside the premises, and no visible signs of unauthorized encroachment were observed. A small room is located near the main entry of the premises, where a security guard was found stationed. Upon inquiry, he identified himself as S.Murugan (Male, 46 years old), S/o.Shanmugam, residing at 1st Street, Sarathapuram, Mylapore, Chennai – 600 004 and further reveals that he is a newly joined



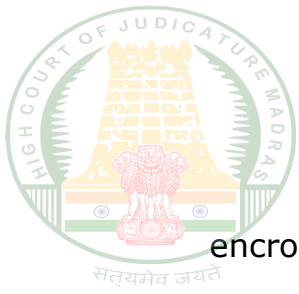
person and after incident, as per the instruction of Tr.Shaik Madar, he took over the charge. The security guard had stated that he was appointed by Tr.Shaik Madar, one of the respondents in the present case.

viii) Based on the inspection conducted and the statements collected, no unauthorized encroachments have been identified at the premises on the date of inspection (22.02.2025).

17. The Report of the Police being so, the submissions made by the learned Senior Counsel and the counsel on record for the petitioner, the learned counsel appearing for respondents 1 to 3, the Secretary of Bar Council of Tamil Nadu and Puducherry, the learned Additional Government Pleader (CS) and the learned Government Advocate (Criminal Side), coupled with the contentions in the affidavit, counter affidavit, documents and photographs produced in court, depict certain aspects, which are as under:-

i) Admittedly, the suit property of an extent of 3 grounds 1995 sqft in Mylapore Taluk, which is the stake in the matter, belongs to respondents 1 to 3/defendants 1 to 3 they being title holders.

ii) The said property is claimed to have been under illegal



encroachment by 40 families who had EB connection in their names and hence the second respondent had filed 40 Original suits before the VI Assistant Judge in O.S. Nos.7558-7568 of 2012, 7724-7738 of 2012 and 7938-7951 of 2012 for eviction which were decreed in favour of respondents 1 to 3 on **06.02.2018**. Consequently EPs were filed to execute the order of eviction before various courts.

iii) At this stage, one Jamal Mohammed Ibrahim was introduced to the second respondent by some Land Brokers Mohideen and Rafeeq during early **February 2023** as a Realtor, who expressed his willingness to purchase the said property in as is where is condition for a sale consideration of Rs 7,25,00,000/- (Rupees seven crores twenty five lakhs only). Towards this, an unregistered sale agreement was entered into between the second respondent and a representative of Jamal Md. Ibrahim, i.e., his Manager Kamalesh Chandrasekar on **06.02.2023**.

iv) The said sale agreement was **valid only for two months** from the date of signing and a sum of Rs 10,00,000/- was paid as advance. Out of this sum of Rs.10,00,000/-, Rs 7,00,000/- was paid through RTGS from the account of another stooge of Mr.Jamal Md. Ibrahim by the name of Mr.Isaq and Rs.3,00,000/- in cash through



one Broker by name Mohideen.

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v) On the directions of Jamal Md. Ibrahim, Mr Kamalesh gave a post dated SBI cheque for Rs.90,00,000/- bearing machine No.91178528893 (cheque No.783784) dated **10.04.2023**. However, Jamal Md. Ibrahim, later, requested the second respondent to not to encash the cheque and accordingly, it was not presented. The petitioner-Kamalesh had taken back the said cheque on **02.08.2024** and signed a receipt for the same **as evident from page 8 of the typed set of papers of respondents**. During this period, on the directions of Jamal Md. Ibrahim second respondent gave change of vakalat to Advocate Ms.Preethi Basker for the pending EPs.

vi) Jamal Md. Ibrahim represented by Kamalesh did not come forward to perform his part of the agreement even after the second respondent's full co-operation. Time was essence of the contract and the validity was restricted to sixty days and hence the agreement had lapsed by efflux of time.

vii) In the meanwhile, on the directions of Jamal Md. Ibrahim, the second respondent had secured agreement for amicable settlement with the encroachers out of court and paid Rs 1,00,000/- (Rupees one lakh only) as advance to each of the encroachers and the undertaking



agreements were prepared by Ms.Preethi Bhasker.

WEB COPY viii) Subsequently, Ms.Preethi Basker partnered with Jamal Md.

Ibrahim and offered to complete the eviction process and agreeing to their offer, the second respondent had paid Ms.Preethi Basker a sum of Rs 2,00,00,000/- (Rupees two crores only) for representing second respondent and completing the out of court settlement in all the EPs pending before various courts. The said sum of Rs 2,00,00,000/- was disbursed to Ms.Preethi Basker (Rs.1,37,50,000/- through bank transfers and Rs.62,50,000/- in cash). Ms.Preethi Basker presented five post dated cheques as security for Rs.2 crores received by her. The entire eviction process was completed on 28.03.2024. Ms.Preethi Basker had collected all her five cheques back on 02.08.2024 **as evident from page 8 of the typed set of papers of respondents.**

ix) In the meanwhile, realizing that the unregistered sale agreement dated **06.02.2023** cannot be enforced due to efflux of time, second respondent was asked by Jamal Md. Ibrahim to cancel the same by following due process of law through Legal Notice dated 31.01.2024 **found at page 19 of typed set of papers of respondents.**

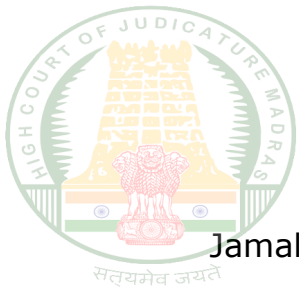
x) On 01.02.2024, Jamal Md. Ibrahim insisted that all the three



title holders viz., respondent 1 to 3 to enter into an MOU with him, **as evident from page 26 of typed set of papers of respondents,** wherein it was stated that the earlier agreement dated 06.02.2023 had expired and through the present MOU, a sum of Rs 10,00,000/- paid in the earlier agreement be treated as Advance. The sale consideration of Rs.7,25,00,000/was also adopted in the new MOU wherein the sum of Rs.2,00,00,000/- paid through Ms.Preethi Basker alongwith 18% interest was considered as loan for eviction process and accordingly. the revised sale consideration was fixed as Rs 9,25,00,000/- (Rupees nine crores twenty five lakhs only) alongwith 18% interest payable at the time of registration, as per Clause 2 of the agreement. **(pg 28 of typed set of papers of respondents).**

xi) This MOU was valid for three months from the date of execution i.e., 01.02.2024 as per Clause 5 therein. Remedy for non-compliance of the terms of the MOU shall be a right to seek specific performance by the prospective purchaser as per Clause 16. Time is essence of the MOU and failure to complete the sale within the three months time would lead to termination of the agreement as per Clause 17.

xii) Even after eviction of the premises by the encroachers,



Jamal Md. Ibrahim did not perform the terms of the sale agreement.

Later, it was found out by respondents that Jamal Md. Ibrahim had paid only Rs.6,00,000/- as compensation to each encroacher over and above the Rs.1,00,000/- paid by second respondent. In the meanwhile, Jamal Md. Ibrahim conveyed that some more encroachers had also moved in and thus making the total as 52 encroachers. Even if it is accepted he could have paid the 52 encroachers a sum of Rs.6,00,000/- each, the total amount spent by him would have been Rs 3,12,00,000/(Rupees three crores twelve lakhs only).

xiii) Jamal Md. Ibrahim claimed that he had spent Rs.5,80,00,000/- (Rupees five crores eighty lakhs only) for evicting the encroachers and demanded respondents to pay him that amount. Since a sum of Rs 2,00,00,000/- had already been paid through Preethi Basker, another sum of Rs.4,00,00,000/- was paid on various dates till 29.06.2024 in anticipation that all the original documents handed over to Jamal Md. Ibrahim would be returned to the respondents getting liberty to convey the property to the third party purchasers.

xiv) In the meanwhile, all three title holders had executed a General Power of Attorney document in favour of 4th Respondent



Lifestyle Housing Pvt Ltd vide document No 2440 of 2024 dated 08.07.2024 in Mylapore SRO.

xv) Whiles, Mr. Jamal Mohamed Ibrahim had preferred a suit in O.S.No.3855 of 2024 before the III Assistant Judge, City Civil Court **on 02.07.2024** for injunction simplicitor restraining the absolute title holders from interfering with their alleged possession and also from alienating the property. In the pleadings and cause of action, to the shock and surprise, a General Power of Attorney registered in Document No.2440 of 2024 on 08.07.2024 has been referred **(as evident from page 37 and 38 of typed set of papers of respondents)** and in fact, such document happens to be the root cause for filing such a suit.

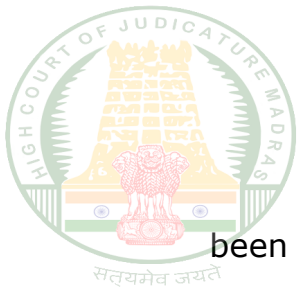
xvi) In para 5 of the plaint, it has been stated clearly that **Kamalesh is the Manager of the MJI groups** and he entered into the unregistered sale agreement dated 06.02.2023 with second respondent **on behalf of Jamal Md. Ibrahim.** (as evident from **page 34 of typed set of papers of respondents**). Immediately after instituting the suit, Mr. Jamal Md. Ibrahim is said to have erected a Public Notice Hoarding in the suit property and demanded a sum of Rs.50,00,000/- (Rupees fifty lakhs only), which was claimed to have



been expended by him for miscellaneous things and on such payment, he would remove the Hoarding and withdraw the suit. Trusting his words, second respondent paid Rs.50,00,000/- (Rupees fifty lakhs only) in cash on 16.07.2024. But, Jamal Md. Ibrahim did not withdraw the suit as promised.

xvii) Mr.Jamal Md. Ibrahim had stated that Rs 2,00,00,000/- paid to Preethi Bhasker was her fees and hence respondents 1 to 3 should pay him the balance of Rs 1,80,00,000/-. Apprehending that the civil litigation would be inordinately delayed, the respondents had agreed to the same and accordingly, a Joint Compromise Memo was prepared by Ms.Preethi Basker which was signed before the Learned IV Asst City Civil Judge and based on the same the suit in O.S.No.3855 of 2024 was dismissed as compromised vide decretal order dated 02.08.2024.

xviii) The suit in O.S.No.3855 of 2024 was instituted by Ms.Preethi Basker as counsel on record, as evident from **page 32 of the typed set of papers of respondents** and the said compromise was arrived at by the said Mr.Jamal Mohamed Ibrahim after receiving a sum of Rs.1,80,00,000/- (Rupees one crore eighty lakhs only) and all the original documents were returned to second respondent and it has



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been categorically recorded in the Joint Compromise Memo that the original sale agreement date 06.02.2023 entered into by K.A.Shaik Madar with Kamalesh Chandrasekar was cancelled and handed over in original alongwith other original documents to respondents 1 to 3. as evident from **page 45 of typed set of papers of respondents.** Ms.Preethi Baskar had also signed in the said compromise memo as counsel for the plaintiff-Jamal Mohammed Ibrahim, as evident from **page 46 of typed set of papers of respondents.**

xix) Even after withdrawal of the suit in O.S.No.3855 of 2024, Mr.Jamal Md. Ibrahim insisted that respondents 1 to 3 had to return Rs.10,00,000/- (Rupees ten lakhs only) paid through Mr.Isaq as advance while entering into the sale agreement dated 06.02.2023 and accordingly, the same was paid in cash on 28.08.2024.

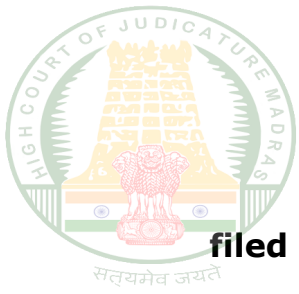
xx) In all, respondents 1 to 3 had paid a sum of Rs.2,00,00,000/- (Rupees two crores only) to Ms.Preethi Bhasker and another Rs.6,40,00,000/- to Mr.Jamal Md. Ibrahim. While these payments made to the counsel was brought to the knowledge of the XVI Assistant City Civil Judge on 13.09.2024, Ms.Preethi Bhasker claimed that the said amount of Rs 2,00,00,000/- was paid to her as Counsel fees, which was vehemently opposed by the learned counsel



for respondents 1 to 3 before the Assistant City Civil Judge.

WEB COPY xxi) The plaintiff in O.S.No.3855 of 2024 Mr.Jamal Md. Ibrahim was represented by Ms.Preethi Baskar as advocate on record who had filed the memo of compromise on 02.08.2024. Strangely, the very same counsel has filed vakalat in the subsequent suit viz., O.S.No.5111 of 2024 (filed by Kamalesh Chandrasekaran-petitioner herein) despite knowing fully well that the agreement of sale dated 06.02.2023, which has been alleged as cause of action for the present suit, was terminated by following due process of law wherein a legal notice to that effect was also served on Kamalesh and the counsel on 31.01.2024. The original copy of the said agreement was cancelled and handed over to the second respondent as per Joint Compromise Memo before the IV Assistant City Civil Judge. Therefore, it is seen that in both the cases, viz., O.S.No.3855 of 2024 and O.S.No.5111 of 2024 Ms.Preethi Baskar is the counsel on record for the respective plaintiff and both the suits ended in compromise.

xxii) A sum of Rs.1,37,50,000/- (Rupees One Crore Thirty-Seven lakhs and fifty thousand only) appears to have been received from second respondent by the counsel Ms.Preethi Basker through bank transfers (as evident from **pages 2 to 8 of schedule of payments**



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filed by respondents) and another Rs.62,50,000/- (Rupees sixty two lakhs fifty thousand only) in cash. Similarly, page 1 of **schedule of payments filed by respondents**, a copy of the message received in a mobile phone from Advocate Preeti probabilises receipt of cash to the tune of Rs.62,50,000/- from the second respondent.

xxiii) Suppressing the termination of the sale agreement dated 06.02.2023 the suit in O.S.No.5111 of 2024 has been filed on 03.09.2024 with the prayer seeking permanent injunction simplicitor restraining alienation against the defendants without any cause of action. Immediately after filing of the above suit by the plaintiff-Kamalesh, a notice board appears to have been placed in the suit property, (as evident from the photograph produced at **page 67 of typed set of papers of respondents**) with the contention that the suit property is under litigation in O.S.No.**3111** (sic for **5111** of 2024 before the City Civil Court, Chennai between Kamalesh vs. Noorjehan Beevi, Shaik Madar, Abul Hassan and Lifestyle Builders and trespassers will be prosecuted with a specific mobile contact number (739xxxx079).

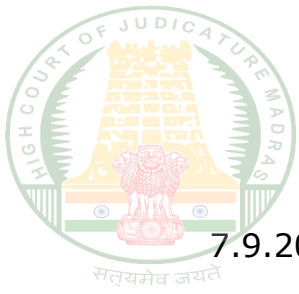
xxiii) Aggrieved upon the same, the second respondent is claimed to have lodged a complaint before the Inspector of Police, E-4



PS on 06.09.2024, however, he claims that he was not furnished with any CSR.

xxiv) Whileso, a complaint was lodged by the petitioner **Kamalesh** to the effect that **he had placed a notice board in the suit property pending the suit filed by him** and the respondents had troubled the watchman engaged by him on 7.9.2024 at 11.00 hours and some people, who came in an autorickshaw bearing registration No.TN-07-DC 6861, had intimidated for removing the said board. The said complaint was acknowledged vide CSR No.409 dated 09.09.2024 as evident from **page 77 of additional typed set of papers of respondents.**

xxv) Thereupon, the second respondent is said to have approached the Joint Commissioner, East Chennai, on 23.09.2024, who, in turn, had directed the investigating officer to immediately acknowledge the complaint of second respondent dated 06.09.2024 and asked the second respondent to go to E-4 PS immediately and thereupon, **the investigating officer, Mr.Ravi** had given the second respondent a CSR at 9.30 pm on that day viz., 23.9.2024, which was numbered as CSR 408 dated 07.09.2024. The actual date and time of registration is claimed to be 23.9.2024 however, it was ante-dated as



7.9.2024, as evident from the foot note printed at the bottom of the

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Report furnished by the investigating officer, found at **page 76 of additional typed set of papers of respondents.**

xxvi) For falsification of official records, the Commissioner of Police is said to have taken cognizance and immediately ordered suspension of Mrs.Dhanalakshmi, the Sub Inspector of Police, who prepared the CSR 408 ante-dated and also moved the investigating officer to the Control Room under "Compulsory Waiting" and an enquiry is also said to have been ordered into the alleged manipulation and violation of Standard Operating Procedure committed by the investigating officer and the same has been completed by the Deputy Commissioner of Police, CCB-III, however, no action whatsoever has been taken against the investigating officer till date.

xxvii) Under these circumstances, the second respondent had filed a petition under Section 156(3) Cr.PC for a direction to register an FIR before the Learned XXIII Metropolitan Magistrate in September 2024, however, no report seems to have been filed by the respondent Police for the next four months. Whiles, Kamalesh and Preethi Basker are said to have offered to compromise the suit in O.S.No.5111 of 2024 and demanded Rs.60,00,000/- from the second respondent.



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xxviii) In the meanwhile, the petitioner had filed an interlocutory application I.A.No.2 of 2024 in O.S.No.5111 of 2024 praying for grant of an ad-interim injunction of the said nature operable during the pendency of the suit. The trial court dismissed the said application on 30.09.2024. He thereafter filed a Civil Miscellaneous Appeal C.M.A.No.35 of 2024 challenging the correctness and legality of the order of the trial court. The XVIII Addl. City Civil Judge, Chennai, who heard the said C.M.A. dismissed the same by order and decree dated 21.12.2024. In the order made in C.M.A.No.35 of 2024, there is a specific observation by the the appellate court about the fraudulent means adopted by the petitioner to get an ad-interim order staying all further Proceedings in O.S.No.5111 of 2024 viz., the Petitioner had suppressed the subsistence of caveat filed on behalf of respondents 1 to 3 and misled the Judge to grant the interim stay till 13.12.2024.

xxix) Such being the position, immediately after filing the C.M.A. No.35 of 2024, another public Notice hoarding stating that injunction has been granted was erected, which was directed to be removed by the XVIII Additional Judge on the representation by respondents 1 to 3 on the next day.

xxx) Whiles, the petitioner Kamalesh had filed a new Civil Suit



for specific performance of the said unregistered sale agreement before this court on 03.12.2024, wherein in para 23, the court fee of Rs 90/- has been paid by valuing the said suit as one for permanent injunction, but in the prayer has sought for the relief of specific performance.

xxxi) Having failed to secure an order of injunction against respondents 1 to 3 before the courts below, the petitioner Kamalesh has also filed a writ petition in W.P.No.36667 of 2024 for a direction to CMDA and Tami Nadu Real Estate Regulatory Authority (TNRERA) to not to grant any approval to respondents 1 to 4, suppressing the pendency of C.M.A.No.35 of 2024 before the appellate court.

xxxii) Whiles, on 16.01.2025 the petitioner Mr.Kamalesh, Mr.Jamal Md. Ibrahim, Ms.Preethi Basker, her interns, and other goondas criminally trespassed into the suit property, pretending to be under the shelter of a political party and attempted to hold possession after beating up the security and driving him away. The second respondent is said to have called the Police Control Room three times but no meaningful action was initiated against criminal trespassers contending that the dispute is civil in nature. The second respondent is said to have gone to E4 PS, Abhiramapuram to file a written



complaint, but, it was not entertained on the pretext that the dispute is civil in nature.

xxxiii) The second respondent is said to have communicated the offence to the Deputy Commissioner, Mylapore through his counsel Mr.S.Ganesan, attempted to lodge an online complaint and approach the Commissioner of Police, Greater Chennai and since all such attempts failed, had to file a complaint in the online portal of CM Grievance Cell and the same is under investigation before the CCB.

xxxiv) Further, the learned counsel for respondents 1 to 3 is said to have been character assassinated while advancing his arguments on 28.1.2025 before the Assistant Judge of XVII Assistant City Civil Court by one Advocate by name Mr.Manibharathy, who was not even counsel on record in the suit and the learned counsel was criminally intimidated while coming out of court. On the complaint of the counsel the Assistant Judge is said to have admonished the said Mr.Manibharathy and also suggested that the counsel prefer an appropriate complaint against him and accordingly the learned counsel had submitted a complaint before the Principal District Judge on 29.01.2025.

xxxv) As a counter blast, the said Manibharathy appears to have



preferred a complaint before the Commissioner of Police contending that the counsel for respondents 1 to 3 had abused him by calling his caste name and also threatened to kill him before the Learned XVII Assistant City Civil Judge on 28.01.2025 during the arguments. The investigation has been completed by the B4 Police Station, High Court. Since the said Manibharathy attempted to intimidate the learned counsel and called in the middle of the night at 12.30 am, the learned counsel also filed a complaint before the Inspector of Police, B4 PS and the same has been acknowledged vide CSR 8 of 2025.

xxxvi) Further, one Mr.Abel Kumar from the team of Advocates seemingly from JMI Law Associates had also preferred a complaint dated 23.10.2024 before Bar Council of Tamil Nadu & Pondicherry, which has been taken up on file as Complaint No.508 of 2024. In the said complaint Mr.Abel Kumar is said to have levelled false allegations against the learned counsel for respondents 1 to 3 and his junior Ms.Devadarshini stating that the later had recorded the proceedings of the then XVI Assistant City Civil Court on 18.10.2024 and the same was corroborated by the incumbent Assistant Judge through CCTV recordings after confiscating the mobile phone of Ms.Devadarshini.

xxxvii) It is claimed to be the ground reality that the alleged



recording was reported in the morning session and the learned counsel had arrived only at 3 pm and clarified to the learned Assistant Judge that no such recording was done by Ms.Devadarshini and requested the learned Assistant Judge to do forensic audit of the phone to ascertain the same. The learned Assistant Judge had directed the Court staff to open the Iphone and check if there is any evidence of recording and after ascertaining that Ms.Devadarshini has not committed any such alleged recording of the court proceedings, the Iphone was returned to her, whereas it has been reported as if Ms.Devadarshini had committed Contempt of Court by recording the proceedings of the court.

xxxviii) Further, Ms.Preethi Basker is also said to have filed a frivolous and baseless complaint against the learned counsel for respondents 1 to 3 before the Bar Council of TN & Puducherry, which has been taken on file as Complaint No.448 of 2024. The sum and substance of the complaint is that on 05.09.2024, while arguing before the Learned XVI Assistant City Civil Judge, the learned counsel for respondents 1 to 3 had interrupted her and restrained her effective argument and even after adjournment he was alleged to have exhibited abusive behaviour, whereas, the learned counsel for

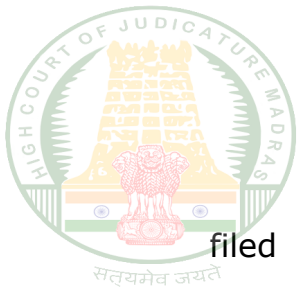


respondents 1 to 3 was not at all present in court on 5.9.2024 and he had appeared before the XVI Assistant City Civil Judge on Vakalat for the first time only on 9.9.2024, which could be established with A Diary Extract, Vakalat and also through evidence of the Court Staff.

xxxix) Whiles, the Learned XXIII Metropolitan Magistrate dismissed the petition filed U/S 156(3) Cr.P.C. on 05.02.2025. Aggrieved by the same, respondents 1 to 3 had filed Crl.R.C.No.12 of 2025 before the Principal District and Sessions Court, Chennai who has directed the respondent police to file status report on 06.03.2025.

xl) Claiming that the present suit in O.S. No.5111 of 2024 is not maintainable and is barred by law respondents 1 to 3 had filed an Application in I.A. No.12/2024 under Order VII Rule 11 of CPC to reject the plaint wherein arguments are said to have been completed and reserved for orders, however, since the incumbent Learned XVI Assistant City Civil Judge was transferred, the XVII assistant City Civil Judge, suo motu, reopened I.A. No.12 of 2024 and heard the final arguments and written arguments were also submitted by both the parties.

xli) During this period, the XVII Assistant City Civil Judge is said to have found an un-numbered application under Order II Rule 2 CPC



filed by petitioner Kamalesh in the case bundle, which is not maintainable as the larger relief of specific performance can not be reserved in a suit for bare injunction simplicitor and hence while filing itself, the said I.A. was not pressed by the petitioner Kamalesh. But the XVII Assistant Civil Judge is said to have taken up the same for maintainability and arguments were heard and the orders were reserved for 03.03.2025.

xlii) Further, it is claimed that a new Assistant City Civil Judge has been posted to the XVI Assistant City Civil Court with effect from 24.02.2025 and the said I.A.No.12 of 2024 would once again be reopened it had to be argued from the beginning. In C.M.A.No.35 of 2024, the Learned Additional Judge had directed that the suit be disposed of by the Trial Court within three months from 21.12.2024.

xliii) The order passed by the Trial Court in I.A.No.9/2024 dated 24.10.2024 giving liberty to respondents 1 to 3 to remove the Public Notice Board put up by the petitioner and enjoy the property specifically proves that respondents 1 to 3 are in exclusive possession enjoyment of the suit property and the petitioner, who seeks injunction, in respect of the suit property has no sort of possessory interest or any right in the property. The petitioner has not asserted



any right in the said property by means of Declaration of title, Specific performance etc.

xliv) Whileso, the said Ms.Preethi Basker, employed as a full time Legal Manager of the Firm called McAmdois Tech Pvt Ltd of Jamal Md. Ibrahim since 2023 till date, had been instrumental in establishing JMI Law Associates in the very same campus of McAmdois Tech Pvt Ltd and registered the same as a proprietorship firm with GST Registration in the name of Jamal Md. Ibrahim, who is not an Advocate. Such an act of Non-advocate establishing a Law firm and recruiting advocates is a crime and the Advocates are also liable for punitive action for representing such illegal entity.

18. Pointing out the above anomalies and producing some copies of documents, photographs and the decisions of various courts on the issue, learned counsel Mr.S.Ganesan has advanced his arguments that the suit in O.S.No.5111 of 2024 pending before the Learned XVI Assistant Civil Judge is not maintainable on various grounds. He would submit that the said suit for relief of injunction is not maintainable in view of --

(a) Section 49 r/w 17 of Registration Act.



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- (b) Order II Rule 2 of CPC.
- (c) Rule 11 of CPC being res judicata.
- (d) Rule 12 of CPC being Barred by law.
- (e) Section 41(h) of Specific Relief Act.
- (f) Order VII Rule 11 (a) & (d) of CPC.
- (g) For fraud being played before the court.

19. During the arguments advanced by the learned counsel for respondents 1 to 3 in the morning session of 26.2.2025, he had pointed out various aspects illustrating some professional misconduct and misrepresentation on the part of Ms.Preethi Baskar, counsel on record for the petitioner. The learned Senior Counsel appeared on her behalf had been attempting to refute each and every allegation levelled against Ms.Preethi Baskar, however, he had, in principle, agreed for initiation of appropriate action for professional misconduct, in the event of any misconduct having been proved on proper investigation/inquiry by the appropriate authority. Taking leave of this court for the afternoon session, the learned Senior Counsel sought to furnish reply either in oral or by way of written submission for the allegations levelled against Ms.Preethi Baskar after the submissions of



the learned counsel for respondents 1 to 3 are concluded.

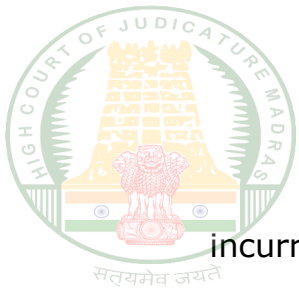
WEB COPY 20. In the afternoon session on 26.2.2025, while concluding the submissions of the learned counsel appearing for respondents 1 to 3, Ms.Preethi Baskar, in respect of whom, many blatant allegations had been levelled, was not present in court, **who was very much available in the morning session** assisting the learned Senior Counsel, whereas Mr.Abel Selvakumar, one of the counsel on record for the petitioner alone was present in court and no reply was forthcoming from the counsel on record for the petitioner for the allegations levelled against her and thereby this court had reserved the case for pronouncing orders.

21. Subsequently, two copies of brief notes of the written arguments and typed set of papers had been filed on behalf of petitioner/counsel for petitioner on record on 28.2.2025, of course, without any signature in both the index for the typed set of papers and with a scribbling only in one copy of the brief notes, that too without any match with the signature of the counsel on record and without any enrolment number and hence, they were returned by the registry on 4.3.2025.



WEB COPY 22. The said papers, being reply to some serious allegations levelled against the specific counsel viz., Ms.Preethi Baskar with regard to professional misconduct, were re-presented on 5.3.2025 with the **signature of Mr.B.Manibharathi**, one of the counsel on record, which appear to be with **many additions and alterations** from the earlier one filed. Further, it is claimed in the compliance note that the earlier signature was that of Mr.Abel Selvakumar, who is also one of the counsel on record for the petitioner. Still, on perusal of the scanned copy of the old version, which has not been returned while re-presenting, it is seen that the so called signature in the earlier version of brief notes of written arguments **does not match even with that of Mr.Abel Selvakumar** found in the vakalat.

23. Despite such irregularities, this court is inclined to take into consideration the contents of the brief notes of the written arguments so submitted. It elaborately speaks about the steps taken for removal of illegal encroachment with the assistance of the petitioner-Kamalesh Chandrasekaran, claimed to be a purchaser and an understanding between the the purchaser and the vendor viz., respondents 1 to 3 that the expenditure for evicting the encroachers will have to be



incurred by the purchasers from and out of the sale price payable to the vendors, of course, which has not been specified in the unregistered agreement of sale.

24. The brief notes surprisingly, without any chain of link, speaks about an MOU holder (probably meaning Jamal Mohammed Ibrahim). It also claims an outstanding amount from respondents 1 to 3, by elaborating the settlement transactions in a messy way. It denies the allegation of money extortion, again referring to the financial transactions between the parties. So far as the allegations with regard the employment of Ms.Preethi Baskar with the Firms run by Jamal Mohammed Ibrahim, it is contended that there is no vakalat filed by M/s.JMI Law Associates and the registration with GST was also cancelled on 5th July 2024 and so far as her association with the said Firm and filing vakalat on its behalf, it is contended that only due to inexperience, it happened. So far as placing the boards in the suit property with an intention to extract money from the land owners is concerned, a **cryptic reply** is given to the effect that **no board was kept by the counsel of the petitioner.**



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25. Apart from the merits of the case, the brief notes refers to some allegations in respect of the counsel for respondents 1 to 3 viz., an FIR No.366/2004 against without any supporting documents, involvement of a criminal case of gold smuggling and two writ petitions with regard to illegal allotment of housing board and patta dispute involving the counsel personally and pendency of a non bailable warrant in C.C.No.497 of 2024 in Judicial Magistrate, Special Court, Customs Act, Alandur Court as on 29.11.2024 and alleging that suppressing the pending criminal cases against him, he had secured his enrolment.

26. The gist further contends that the petitioner had withdrawn the civil revision petition and thereby no order may be passed. It further contends that the counsel Ms.Preethi Baskar had filed a memo for revocation of vakalat in O.S.No.5111 of 2024 and the petitioner has filed a memo for withdrawal of O.S.No.5111 of 2024 **with liberty**. Ultimately, it is contended that the counsel for the petitioner, a young inexperienced first-generation lawyer at the age of 26 years, solemnly



expresses her regret and apologies for any mistake on her part, which was due to her inexperience and she is no longer associated with the now dissolved proprietorship from M/s.JMI Law Associates Firm.

27. Though the learned counsel for the parties have putforth their submissions elaborately on the above aspects, this court, prima facie, feels that the entire episode discloses some professional misconduct, misrepresentation, unethical practices, into which, this court cannot indulge and the same need to be addressed and investigated at once only by proper investigating agencies under procedure established by law to arrive at a conclusion, which will, certainly, have a bearing on the merits of the case.

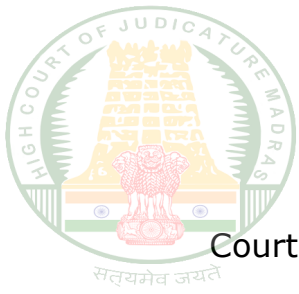
28. An analysis of the materials in simplicitor would portray a triangular association among one Jamal Md. Ibrahim, his employee by name Kamalesh (present petitioner) and the counsel Ms.Preethi Baskar in securing the suit property worth a substantial value running several crores to which respondents 1 to 3 are the title holders.



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29. Respondents 1 to 3 being title holders of the suit property appears to have approached the said Jamal Md. Ibrahim, a non-law professional with the Firm name JMI Law Associates under the impression that he could be a law professional and he would extend assistance for evicting the encroachments in the suit property. Probably for gaining a hold over the suit property, a nominal and unregistered agreement of sale was entered by the title holders with one Kamalesh, the present petitioner, an employee of the said JMI Law Associates for a short period of two months, wherefrom the team members of JMI Law Associates including some fresh advocates, especially Ms.Preethi Baskar and in fact some interns and henchmen commenced their role in dealing with the title holders in various ways.

30. It is seen that even after completion of the two months stipulated in the unregistered sale agreement, an MOU comes into play, the parties to that being Jamal Md. Ibrahim and respondents 1 to 3 whereby the earlier agreement was cancelled and rather taken over by Jamal Md. Ibrahim and subsequently, it was also cancelled based on some settlement between the parties as evident from the compromise decree dated 2.8.2024 passed by the IV Assistant Judge, City Civil



Court, Chennai in O.S.No.3855 of 2024, which was filed by Jamal Mohammed Ibrahim for whom, the counsel Ms.Preethi Baskar had appeared. There ends the real dispute by the efforts of respondents 1 to 3 in meting out the extortion of money.

31. However, the money extortion from respondents 1 to 3 by traumatising them appears to have continued using some crooked ways and manipulation of documents, which was already cancelled. Voluminous documents produced before this court, of course, whose correctness has to be proved by legal ways, but, those documents, prima facie show some foul play, which, if permitted to continue, it would be an eternal one.

32. In fact, on an exploration made by this court in the official website of Judiciary, it is found that the same Ms.Preethi Baskar had appeared for respondents 1 to 3 herein/decreed holders in various execution proceedings, for instance, in **E.P.No.2747 of 2019 in O.S.No.7724 of 2012** as evident from order **dated 26.4.2024** passed by the XXVII Assistant Judge, City Civil Court, Chennai. When it is very much clear and admitted that she had played her role in



evicting the illegal encroachers in the suit property, her subsequent association with Jamal Mohammed Ibrahim in filing suit against the present respondents 1 to 3 makes out a clear case of unethical practice with dishonest intention to extort money by making the title holders to run from pillar to post to protect their property. If such attitude is permitted by this court by shutting its eyes, this court feels that no genuine property holders can rest assured of their title and possession amidst the threat of offenders, who misuse the legal process to extort money by threat.

33. Similar search on the official website would disclose that the said JMI Law Associates, who is said to have been run by Jamal Mohammed Ibrahim, a non-law professional, had filed vakalat for the petitioner in O.S.No.971 of 2023 before the District Munsif Cum Judicial Magistrate, Pallavaram.

34. Producing a copy of Final Return in Form GSTR-10, a feeble submission is made on behalf of the petitioner that the said JMI Law Associates had been **dissolved subsequently on 5.7.2024**. However, a copy of legal notice produced by the learned counsel for



respondents would show that in the letter head of the said JMI Law Associates, a legal notice has been issued on **18.11.2024**, bearing a signature as Advocate without any name, of course, which, with a blank perusal through naked eyes, could be identified as that of Preethi Baskar.

35. Further, a search in the website would show that even as on date, the postings of the said Jamal Mohammed Ibrahim appear in social media like LinkedIn pretending to be an Entrepreneur extending legal assistance to the litigants when it is claimed that the said Firm has already been dissolved.

36. For instance, some of the images available in the online social media platforms are reproduced hereunder:-



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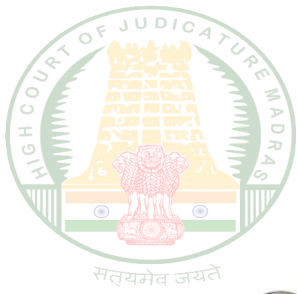
jamal_mohammed_ibrahim



JMI
JMI LAW ASSOCIATES

- CIVIL DISPUTES
- MONEY DISPUTES
- FAMILY DISPUTES
- CRIMINAL CASES

JMI LAW ASSOCIATES (CAMP ROAD, CHENNAI)
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jamal_mohammed_ibrahim

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JMI LAW ASSOCIATES



PREETHI BASKER
BALLB (HONS), MSc., DJMC.



TAMIL ARASAN
BALLB (HONS)



E. ARIVUMATHI
BA.BL.,



R. MAANJAL KUMAR
BALLB (HONS)

OUR SERVICES & PRACTICE AREAS

LITIGATIONS

- Civil Litigations
- Criminal Law
 1. Criminal Trial Procedure
 2. Registration of FIR in India
 3. Quash of FIR and Charge Sheet
 4. Bail & Anticipatory Bail
- Real Estate Law
- Construction & Engineering Law
- Law of Contracts & Company Law

- Family Matters
 1. Divorce Law
 2. Procedure for Divorce
 3. Law of Child Custody
 4. Maintenance of Wife
 5. Return of Articles
- Personal Injury (Motor Accident Claims)
- Industry and Labour Law
- Consumer Law
- Legal Opinion
- Public Interest Litigation

NON-LITIGATIONS

- Real Estate
- Property Registrations
- Entity Registrations

- NRI & PIO Services
- Trust & NGO Services
- Society Compliances



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MILESTONE ORDERS OF JMI LAW ASSOCIATES IN PAST 1 YEAR

1. Petition filed seeking Bail against the offence charged U/s 4 of Women Harassment Act, spot bail has been granted under crucial circumstances by the Hon'ble District Munsif Judge at Pallavaram considering the merits of the case.
2. A Writ Petition was filed in a complex case of Criminal Complaint Quash, seeking direction to stay the proceedings and quash the entire proceedings conducted before the competent Court. Order was granted by the Honorable Mr. Justice Anand Venkatesh before the Hon'ble Madras High Court.
3. An Interim Injunction was obtained on the same day of filing before the Honorable City Civil Court in the matter of using a common passage which was alleged to be private road, Interim Injunction has been granted supporting the plaintiff to use the passage and restrained the defence association from restricting the public to use the passage, Absolute order was subsequently pronounced.
4. Obtained an Interim Injunction on the same day of filing at the District Munsif Court Pallavaram to restrain the residents of the locality from accessing the suit premises while measurements were being taken.
5. Petition filed seeking direction to grant police protection to measure the suit premises, direct order has been issued by Hon'ble Mr. Justice Jayachandran to grant Police aid.
6. Writ Petition seeking direction against Corporation Commissioner seeking direction to give approval for counsel meet, order has been issued in favour of the petitioner by Hon'ble Mr. Justice Sundar to give approval for the same.
7. Writ Petition filed against IG Registrations and SRO Tambaram seeking direction to cancel the fabricated forged documents, Order has been issued by Hon'ble Mr. Justice Velmurugan to conduct the enquiry regarding the forged documents and to pass further orders.
Suit for Permanent Injunction in the matter of tenancy of Womens PG where Interim Injunction has been granted against the landlord from entering into the premises.
8. Petition seeking Anticipatory Bail has been filed in a critical circumstance before the Hon'ble High Court of Madras, the matter came up before Hon'ble Mr. Justice Karthikeyan and was pleased to issue Anticipatory Bail.

37. It is seen from the second image that in the said post made by JMI Law Associates, the photograph of the counsel Ms.Preethi



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Baskar with education details finds the first place alongwith some associates, which is a clear violation of Rule 36, Chapter II, Part VI of the Bar Council of India (BCI) Rules. The said post assures extending services on several aspects and for instance, some of such captions referred therein are referred hereunder:-

**Registration of FIR,
Real Estate Law,
Construction & Engineering Law,
Divorce Law,
Law of child custody,
"Maintenance of wife".**

38. The third image makes unwanted and misleading propaganda of certain routine services of a lawyer. In fact, the daily orders being granted by this court have been cited **with the names of some of the sitting Hon'ble Judges of this Court** to give a fallacious impression to the common people/litigant, which is highly deprecated.

39. As referred to above, as per Rule 36, Chapter II, Part VI of the Bar Council of India (BCI) Rules, an advocate shall not solicit work or advertise, either directly or indirectly, whether by circulars, advertisements, touts, personal communications, interviews not



warranted by personal relations, furnishing or inspiring newspaper comments, or producing photographs to be published in connection with cases in which the advocate has been engaged or concerned and an an advocate shall not permit his/her name to be used in connection with advertisements or such unauthorized practices.

40. The Code of Conduct framed under BCI rules further reiterates that advocates shall maintain professional integrity and do not engage in acts that could mislead the public or undermine the legal profession. Individuals, who misrepresent themselves as advocates and engage in unauthorized legal practice can be held liable for both civil and criminal contempt. Further, as per Order 3, Rule 2 of the Rules of the High Court, Madras Appellate Side, 1965, no partnership shall be entitled to act or plead in any court unless all the members thereof are entitled to act or plead in such court.

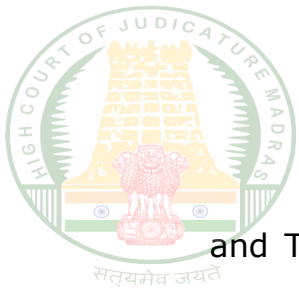
41. This court feels that the above images coupled with the conduct of the counsel for the petitioner and her associates, in association with one Jamal Mohammed Ibrahim illustrates gross violation of the above Rules/guidelines.



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42. Some more research on the official website of the judiciary reveals that the General Power of Attorney in **Document No.2440 of 2024 dated 8.7.2024** executed by respondents 1 to 3 in favour of 4th respondent herein was sought to be cancelled by Jamal Mohammed Ibrahim by filing a writ petition in W.P.No.19389 of 2024, **immediately on the next day viz., on 9.7.2024**, seeking a direction to the Inspector General of Registration, pending the suit filed by him in O.S.No.3855 of 2024 filed on **2.7.2024** wherein the document No.2440 of 2024 dated 8.7.2024 was **mysteriously referred** in the plaint and cause of action of the plaint, however, the said writ petition was, later, **withdrawn by him, on 12.7.2024** itself. Not only in O.S.No.3855 of 2024, but, also in the above writ petition, Ms.Preethi Baskar alone had appeared for Jamal Mohammed Ibrahim.

43. The same **modus operandi** is found in the action initiated by the present petitioner-Kamalesh. He files a suit in O.S.No.5111 of 2024 on 3.9.2024 before the City Civil Court, Chennai seeking a bare injunction against respondents 1 to 3 in respect of the suit property on one side and on the other side, he had filed a writ petition in W.P.No.36667 of 2024 on 28.11.2024 seeking a direction to the CMDA



and Tamil Nadu Real Estate Regulatory Authority (TNRERA) to not to grant any approval to respondents 1 to 4. In the suit in O.S.No.5111 of 2024 as well as the writ petition in W.P.No.36667 of 2024, Ms.Preethi Baskar had appeared for the petitioner-Kamalesh.

44. Still worse scenario is that the same petitioner-Kamalesh has also filed a fresh suit before this court, which is pending in C.S.SR 164651 of 2024, seeking a direction for execution of a sale deed in respect of the suit property, however valuing the suit as one for permanent injunction, of course without even referring to any agreement of sale and in fact referring the date of unregistered agreement of sale as **6.2.2024**. In this suit also, Ms.Preethi Baskar appears to be the counsel on record. The way in which the papers in all the litigations are made ready and presented in various courts speaks much about the conduct of the parties. The second respondent is claimed to be a retired Airforce Veteran. When such a literated person, who could be expected to be more vigilant, himself is being taken to task, the fate of layman with poor literacy, but, possessing any immovable property cannot be envisaged.



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45. Many a times, various courts have come down heavily on the professional ethics and misconduct in legal profession; An advocate is an officer of the court and enjoys a special status in society. The advocates have obligations and duties to ensure the smooth functioning of the court and they owe a duty to their clients, of course, without interfering with the administration of justice. They cannot disrupt the court proceedings and put the interest of their clients in jeopardy. The legal profession is a noble profession and not a business or trade. An advocate's attitude towards his client have to be scrupulously honest and fair. Any compromise with the law's nobility as a profession is bound to affect the faith of the people in the rule of law and, therefore, unprofessional conduct by an advocate has to be viewed seriously. A person practising law has an obligation to maintain probity and a high standard of professional ethics and morality.

46. When an advocate is entrusted with a brief, he is expected to follow norms of professional ethics and try to protect the interests of his client in relation to whom he occupies a position of trust. Counsel's paramount duty is to the client. When a person consults a lawyer for his advice, he relies upon his requisite experience, skill and knowledge

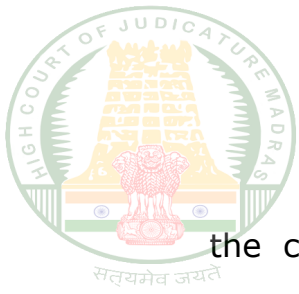


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as a lawyer and the lawyer is expected to give proper and dispassionate legal advice to the client for the protection of his interests.

47. An advocate stands in a *loco parentis* towards the litigants and it, therefore, follows that the client is entitled to receive disinterested, sincere and honest treatment especially, where the client approaches the advocate for succour in times of need. The members of the legal profession should stand free from suspicion. The reputation of a profession is more important than the fortunes of any individual member. Advocate abusing the process of court is guilty of misconduct. Legal profession must be purified from such abuses of the Court procedures. Tactics of filibuster, if adopted by an advocate, is also professional misconduct.

48. An analysis of the entire facts and circumstances of the case including the copies of documents produced before this court, prima facie, reveals that the team consisting of Jamal Mohammed Ibrahim, Ms.Preethi Baskar, Kamalesh-petitioner herein and their accomplices appear to have been indulging into forum shopping, misrepresenting



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the courts, attempting to legalise the illegal activities and thereby making the judicial system as a mockery. To be precise, this court is unable to comprehend the mysterious activities of Ms.Preethi Baskar, Jamal Mohammed Ibrahim and Kamalesh and their accomplices in filing lis one after another exerting infinite pressure on respondents 1 to 3, especially, when the same Ms.Preethi Baskar had earlier appeared for respondents 1 to 3 herein in the execution petitions involving the same suit property. Per contra, some allegations have been levelled against Mr.S.Ganesan, learned counsel for respondents 1 to 3

49. Therefore, in order to protect not only the interest of litigants in general, ethical practitioners of law and have a control over the over-enthusiasm among freshers indulging into unlawful activities without a deep understanding of the consequences and the ground reality that they could be misused by offenders from background, this court feels that it is high time to concentrate on the issues involved in the case with due caution and it would be appropriate only if certain directions are issued for conducting a detailed enquiry into the issues.

50. Accordingly, it is hereby directed that --



(1) **The Secretary, Bar Council of Tamil Nadu and Puducherry, High Court, Chennai:-**

a) Shall conduct a detailed inquiry with regard to the genuineness of education and enrolment of the Advocate Ms.Preethi Baskar, Mr.Mani Bharathi, Mr.Abel Selvakumar and their associates.

b) Shall verify the entitlement of JMI Law Associates to act as a Law Firm.

c) Shall verify the vakalats filed by the said JMI Law Associates before various Courts/Tribunals.

d) Shall enquire into the allegations against Ms.Preethi Baskar and JMI Law Associates and their accomplices and also the vice versa allegations levelled against Mr.S.Ganesan, counsel for respondents 1 to 3 herein by Ms.Preethi Baskar and her associates, in accordance with law.

e) Shall ensure that proper action is taken against the persons involved in advertising their legal profession and **issue a Press Release creating awareness** among public not to be carried away by advertisements given by fake Law Firms or by the posts uploaded in social media.

f) Shall also ensure that strict adherence of internship programs,



in its letter and spirit, are being followed while pursuing the law education.

(2) **A special team headed by an Officer above the rank of Deputy Commissioner of Police in CBCID**, shall be formed, which shall conduct a preliminary enquiry into the following aspects with top priority, of course, strictly adhering to law:-

a) The genuineness of the complaints and counter complaints between the parties in CSR 408 of 2024 and 409 of 2024 registered by E-4 Abiramapuram Police Station, which, now, stand transferred to the Central Crime Branch, Chennai and also the subsequent complaints filed by the parties, which are kept pending by E-4 Abiramapuram Police Station. During the investigation, if any material is found out suggesting any cognizable offence, fair investigation shall be conducted and appropriate action shall be taken in accordance with law.

b) Role played by JMI Law Associates run by Jamal Mohammed Ibrahim, the association of the said Jamal Mohammed Ibrahim with Ms.Preethi Baskar and other associates in the present case and in any other case/cases where similar *modus operandi* is involved.



c) Pending cases, if any, against the said JMI Law Associates, Jamal Mohammed Ibrahim and his associates.

d) All the financial transactions involved in the matter between the parties including the alleged expenditure involved in evicting the encroachers, amounts received as professional fees from respondents 1 to 3.

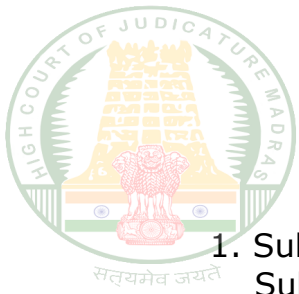
(3) **All the Police personnel** throughout the State of Tamil Nadu shall be directed to strictly adhere to the Standard Operating Procedures in registering the complaints and issuing CSRs and shall take necessary legal opinion from the Public Prosecutor concerned if any complaint relating to immovable property had to be closed as one of civil in nature.

The matter shall be placed on board after three weeks for reporting compliance.

07.03.2025.

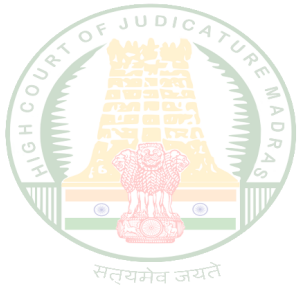
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Internet: Yes/No.
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To



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1. Sub Registrar,
Sub Registrar Office,
Mylapore. Chennai.
2. Assistant Commissioner of Police,
Kotturpuram, Chennai.
3. Secretary,
Bar Council of Tamil Nadu
and Puducherry,
High Court, Chennai.
4. Life Style Builders,
through its Managing Director,
Mr.Priyank Pincha,
3rd Floor, No.2, Mc.Nichols Road,
3rd Lane, Chetpet,
Chennai 600 031.
5. Inspector General of Police,
CBCID,
No.220, Pantheon Road,
Egmore, Chennai 600 008.
6. Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.
7. Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

Ssk.

P.D. ORDER IN
C.R.P.No.443 of 2025

Delivered on
07.3.2025.

C.R.P.No.443 of 2025

WEB COPY A.D.JAGADISH CHANDIRA,J.

Today, after delivering the orders in open court, Mr.V.Prakash, learned Senior Counsel submitted that it may be observed to the effect that the name of the counsel for whom, he represents may not be disclosed by the press, in order to protect her career.

2. With due respect to the learned Senior Counsel, this court is unable to observe anything as sought for.

7.3.2025.
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