

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE**

**MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937**

**WP(C).No. 26379 of 2015 (V)**  
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**PETITIONER(S):**  
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**SANTY GEORGE, AGED 54 YEARS,  
S/O.GEORGE, ADVOCATE,  
AMERICAN INSTITUTE BUILDING,  
VANCHIYOOR, THIRUVANANTHAPURAM.**

**BY ADV. SRI.P.ANOOP (MULAVANA)**

**RESPONDENT(S):**  
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- 1. THE BAR COUNCIL OF KERALA,  
BAR COUNCIL BHAVAN,  
HIGH COURT CAMPUS, KOCHI 682 031.**
- 2. THE SECRETARY,  
BAR COUNCIL OF KERALA,  
BAR COUNCIL BHAVAN,  
HIGH COURT CAMPUS, KOCHI 682 031.**
- 3. THE REGISTRAR,  
DISCIPLINARY COMMITTEE NO.1,  
BAR COUNCIL OF KERALA,  
HIGH COURT CAMPUS, KOCHI 682 031.**
- 4. DANIEL LAZAR  
KANNANKARIYATHU LAZAR BUNGLOW,  
PATHIRIPPALLY, KUDAPPANAKKUNNU P.O,  
THIRUVANANTHAPURAM.**

**R1 BY SRI.GRASHIOUS KURIAKOSE (SENIOR ADVOCATE)  
ADV. SRI.T.T.RAKESH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 19-10-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:**

**mbr/**

**WP(C).No. 26379 of 2015 (V)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS :**  
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- EXHIBIT P1.    A TRUE COPY OF THE COMPLAINT NO.CP/52/2013 DATED 2.4.13.**
- EXHIBIT P2.    TRUE COPY OF THE REMARKS DATED 5.6.13 FORWARDED BY THE PETITIONER TO THE 1ST RESPONDENT.**
- EXHIBIT P3.    TRUE COPY OF THE PETITION FORWARDED BY THE PETITIONER TO THE 3RD RESPONDENT DATED 10.8.15.**
- EXHIBIT P4.    TRUE COPY OF THE POSTAL RECEIPT DATED 11.8.15.**

**RESPONDENT(S)' EXHIBITS:**  
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- EXT. R1(A) :    TRUE COPY OF THE NOTICE ISSUED TO THE ADVOCATE GENERAL ALONG WITH THE COVERING LETTER DATED 25.11.2014.**

**//TRUE COPY//**

**P.S. TO JUDGE**

**mbr/**

**A.MUHAMED MUSTAQUE, J.**

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**W.P.(C) No.26379 of 2015**

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**Dated this the 19<sup>th</sup> day of October, 2015**

**JUDGMENT**

The petitioner is an Advocate on the roll of Bar Council of Kerala. He has approached this Court with the following prayers:

- i. Issue a writ of mandamus or any other appropriate writ order or direction, directing the 3<sup>rd</sup> respondent to consider Ext.P3 petition before taking a final decision in Ext.P1 complaint.
- ii. Issue a writ of mandamus or any other appropriate writ order or direction, directing the 3<sup>rd</sup> respondent to issue notice and to hear the Advocate General along with the petitioner before taking a final decision on Ext.P1 complaint.

2. According to the petitioner, the proceedings now proposed to be concluded in violation of Section 35(2) and (3) of the Advocates Act. Section 35(2) and (3) of the Advocates Act reads as follows:

(2) The disciplinary committee of a State Bar Council shall fix a date for the hearing of the case and shall cause a notice thereof to be given to the advocate concerned and to the Advocate-General of the State.

(3) The disciplinary committee of a State Bar Council after giving the advocate concerned and the Advocate-General an opportunity of being heard, may make any of the following orders, namely:-

- a. dismiss the complaint or, where the proceedings were initiated at the instance of the State Bar Council, direct that the proceedings be filed;
- b. reprimand the advocate;
- c. suspend the advocate from practice for such period as it may deem fit;
- d. remove the name of the advocate from the State roll of advocates.

3. In this matter, a counter affidavit has been filed by respondents 2 and 3. In the counter affidavit, it is stated that they have complied with Section 35(2) and (3) and the entire proceedings are now being concluded except orders.

This Court is of the view that if there is an infraction of any Rules of Procedures, the petitioner is free to take up the matter along with the final order. Since the final order is yet to be passed, this Court need not interfere with every stage of the proceedings

unless that would result in denial of substantial opportunity in the proceedings and serious prejudice to the petitioner.

With the liberty as above, this writ petition is disposed of.

Sd/-

**A.MUHAMED MUSTAQUE, JUDGE**

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