

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.12773 of 2015
& M.P.No.1 of 2015

M.Chinnamalain

.. Petitioner

Vs.

The Secretary,
Bar Council of Tamil Nadu,
High Court Buildings,
NSC Bose Road, Chennai-104.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent to admit the petitioner as an Advocate in the Rolls of the Bar Council of Tamil Nadu and Puducherry, Chennai, on the basis of the petitioner's application submitted before the respondent-Bar Council on 10.06.2014.

For petitioner : Mr.M.Kumaraswami

For respondent : Mr.S.Y.Masood

ORDER

(The Order of the Court was made by V.Ramasubramanian,J)

The petitioner has come up with the above Writ Petition seeking for issuance of a Writ of Mandamus to direct the respondent-Bar Council of Tamil Nadu and Puducherry to admit him for enrolment as an Advocate.

2. Heard Mr.M.Kumaraswami, learned counsel for the petitioner and Mr.S.Y.Masood, learned counsel for the respondent.

3. The petitioner got implicated in a criminal case in Crime No.26 of 104 on the file of Perungudi Police Station, Madurai, for the alleged offences under Sections 294(b) and 323 IPC, read with Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. On account of the pendency of the said Criminal Complaint, the petitioner's application for enrolment as an Advocate, was not entertained.

4. However, subsequently, by judgment dated 24.02.2015 in C.C.No.621 of 2014, the Additional Mahila Court, Madurai, acquitted the petitioner of all the charges. The said judgment also shows that the complainant was none other than the sister-in-law of the petitioner and there was a family dispute.

5. Now that the impediment in the form of Criminal Complaint is already removed, the respondent-Bar Council of Tamil Nadu can consider the petitioner's application with respect to the other parameters such as qualification, etc.

6. The Writ Petition is therefore allowed, directing the respondent to entertain the application of the petitioner for enrolment as an Advocate and process the same with reference to the usual parameters, taking into account the fact that the petitioner has been acquitted in the criminal case. No costs. The Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cs

Copy to
The Secretary,
Bar Council of Tamil Nadu,
High Court Buildings,
NSC Bose Road, Chennai-104.

+1cc to Mr.M.Kumaraswami, Advocate, S.R.No.26702
+1cc to Mr.S.Y. Masood, Advocate, S.R.No.26823

JSV(CO)
EU(11/06/2015)

W.P.No.12773 of 2015

WEB COPY