

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.NO.32835 OF 2014

P.Sivakukmar

.. Petitioner

Vs.

The Secretary,  
Bar Council of Tamil Nadu and Puducherry,  
Madras High Court Campus,  
Chennai - 104.

... Respondent

\* \* \*

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondent to admit the petitioner as an Advocate in the rolls of the Bar Council of Tamil Nadu and Puducherry on the basis of the application submitted before the respondent on 29.04.2013 and on the basis of the petitioner's representation dated 13.09.2014.

\* \* \*

For Petitioner : Mr.Mukund & Pandiyan

For Respondent : Mr.S.Y.Masood

O R D E R

Heard Mr.R.Pandiyan, learned counsel for the petitioner and Mr.S.Y.Masood, learned counsel for the respondent.

2. The petitioner has filed this writ petition seeking a direction upon the respondent to admit him as an Advocate in the rolls of the Bar Council of Tamil Nadu and Puducherry on the basis of the application submitted before the respondent on 29.04.2013 and on the basis of the petitioner's representation dated 13.09.2014.

3. The petitioner was actually involved in a criminal case in S.T.C.No.3021 of 2014 on the file of the Judicial Magistrate, Pochamballi. Therefore, when he made an application for enrollment, it was not accepted.

4. However, it appears that by a judgment dated 02.08.2014, the trial court acquitted the petitioner giving benefit of doubt. Therefore, there can be no bar for the enrollment of the petitioner.

5. Mr.S.Y.Masood, learned counsel for the respondent brought to my notice an order passed by this Court in MP.(MD)No.2 of 2914 in Crl.O.P.(MD)No.14573 of 2014, dated 11.08.2014 directing the Bar Council not to enroll the candidates who had not declared their criminal background. According to the learned counsel for the respondent, the petitioner answered in the negative to the quarry in column No.13(b) in his application dated 29.04.2013 to the effect that there was no criminal case pending against him. The order of acquittal came after one year and two months of the application form and hence, it is submitted by the learned counsel for the respondent that the case on hand is covered by the order of the learned Judge.

6. But, I am of the considered view that in the light of the finding of the criminal court, the denial of enrollment may not be proper. Therefore, the writ petition is disposed of directing the respondent to enroll the petitioner. No costs.

Sd/-  
Deputy Registrar  
Dated:9.3.15

True Copy

Sub Assistant Registrar

To

The Secretary,  
Bar Council of Tamil Nadu and Puducherry,  
Madras High Court Campus,  
Chennai - 104.

+1 cc to Mr.S.Y.Masood, Advocate, SR.10320.

tm(co)  
krd 10/3

सत्यमेव जयते

ORDER IN  
W.P.NO.32835 OF 2014

WEB COPY