

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2015

CORAM:

THE HON'BLE MR.JUSTICE V.RAMASUBRAMANIAN
AND
THE HON'BLE MR.JUSTICE K.RAVICHANDRA BAABU

Writ Petition No.17206 of 2015
and
M.P.No.1 of 2015

R.Nadarajan

... Petitioner

Versus

1. The Disciplinary Committee-II, rep. by
The Registrar,
Bar Council of Tamilnadu,
High Court Buildings,
Chennai-104.
2. Mr.M.Nallathambi,
Advocate, (Enrolment No.23/1980)
No.197, New Additional Law Chambers,
High Court Buildings,
Chennai - 600 104.

... Respondents

Writ Petition filed under Article 226 of India for the issue of a
Writ of Certiorari to call for the records of the first respondent in
D.C.C.No.39/14 dated 13.06.2015 and quash the same.

For Petitioner : Mr.K.P.Chandrasekaran

For Respondent-1 : Mr.S.Y.Masood

For Respondent-2 : Mr.Arunkumar Rajan

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ORDER
(Order of the Court was made by V.RAMASUBRAMANIAN,J)

The petitioner has come up with the above writ petition challenging an order of reprimand passed against him with a further direction to pay Rs.5,000/- as costs to the second respondent herein in a disciplinary action initiated by the Bar Council.

2. Heard Mr.K.P.Chandrasekaran, learned counsel for the petitioner, Mr.S.Y.Masood, learned Standing Counsel for the State Bar Council and Mr.Arunkumar Rajan, learned counsel for the second respondent.

3. The second respondent lodged a complaint against the writ petitioner before the Bar Council on the ground that the petitioner misbehaved with him in open court when both of them were appearing in a Rent Control matter. The complaint was taken on file and after giving opportunities, the Disciplinary Committee of the State Bar Council passed an order dated 13.06.2015 reprimanding the petitioner herein with a further direction to him to pay costs of Rs.5,000/- to the second respondent. Aggrieved by the said order, the petitioner is before us.

4. The petitioner has a statutory remedy of appeal to the Bar Council of India under Section 37(1) of the Advocates Act, 1961. We see no reason to allow the petitioner to bye-pass the alternative remedy. It is not an ineffective remedy. As a matter of fact it is only in that appeal the petitioner can canvass all disputed questions of fact.

5. Though Mr.K.P.Chandrasekaran learned counsel for the petitioner contended that P.W.2 was not cross-examined, the records reveal that there was no denial of reasonable opportunity. Therefore, we are of the view that the writ petition deserves to be dismissed on the ground of availability of alternative remedy. Therefore, the writ petition is dismissed leaving it open to the petitioner to avail the alternative remedy. There will be no order as to costs. Consequently, M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gr.

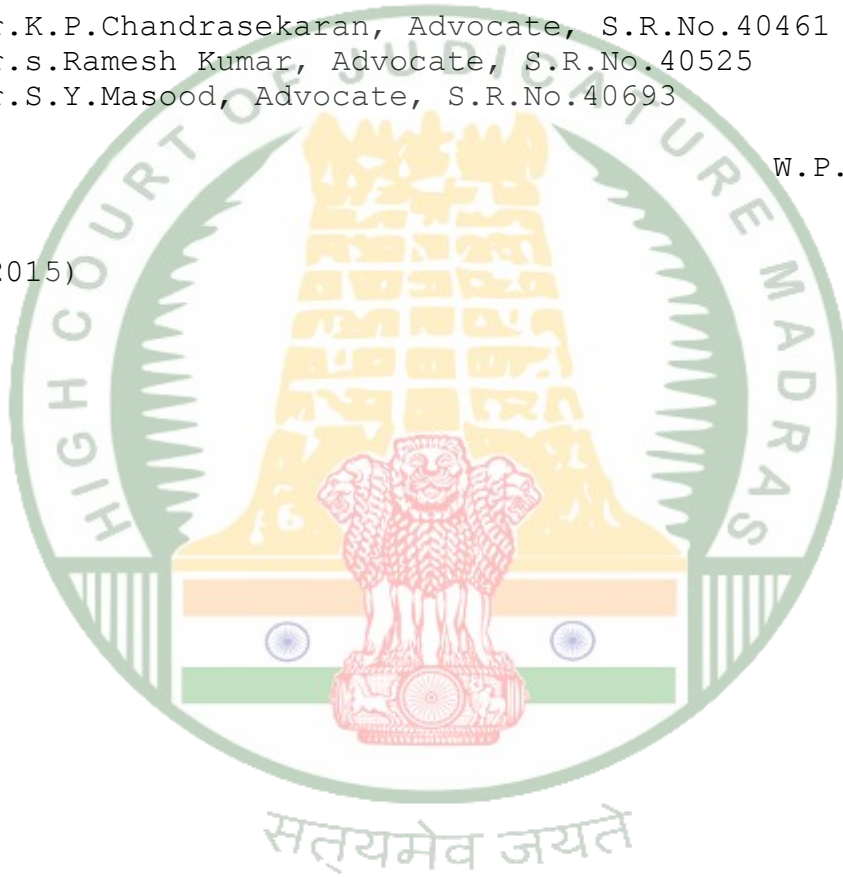
To

The Registrar,
The Disciplinary Committee-II,
Bar Council of Tamilnadu,
High Court Buildings,
Chennai-104.

+lcc to Mr.K.P.Chandrasekaran, Advocate, S.R.No.40461
+lcc to Mr.s.Ramesh Kumar, Advocate, S.R.No.40525
+lcc to Mr.S.Y.Masood, Advocate, S.R.No.40693

W.P.No.17206 of 2015

TEJ(CO)
CA(12/08/2015)



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