

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 Nos. 23314 and 23315 of 2015
and
M.P.No. 1 of 2015

Mr.B.William Petitioner in W.P.23314/2015

Mr.Basil Petitioner in W.P.23315/2015

Versus

1. The Secretary,
Bar Council of Tamilnadu
rep. by its Secretary ,
High Court Campus,
Chennai-104.

2. Mr.Srinivasan,
Inspector of Police,
E-4, Abiramapuram
Police Station, Chennai.

Respondents in both WP's

Writ Petitions filed under Article 226 of India for the issue of a Writ of Certiorari, calling for the records relating to the proceedings of the notice dated 14.7.2015 issued by the first respondent in pursuant to the professional conduct-complaint No.141/2015 and quash the same.

For Petitioner : Mr.G.Murugendran

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

COMMON ORDER

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

The petitioners who are practising as advocates, have come up with the above writ petitions challenging a letter issued by the State Bar Council calling upon them to offer comments on a complaint received from an Inspector of Police, to the effect that a First Information Report has been lodged against them.

2. Heard Mr.G.Murugendran, learned counsel for the petitioners and Mr.S.Y.Masood, learned counsel takes notice for the respondents.

3. It is seen from the impugned communications that it is just a communication forwarding a complaint received from the Inspector of Police, Abiramapuram Police, against the petitioners. The stage at which the petitioners could challenge any action of the Bar Council has not yet arisen. The procedure for the initiation of disciplinary proceedings against an advocate, is a cumbersome one. Upon the receipt of a complaint by the Bar Council, a Bar Council is obliged to forward the complaint to the advocate concerned and invite his comments. Thereafter, the complaint as well as the comments are liable to be placed before the elected Members of the Bar Council in a meeting convened for the purpose. The Bar Council in its meeting is obliged to consider the complaint as well as the comments and take a decision as to whether a prima facie case is made out even for the initiation of proceedings or not. It is only at that stage when the Bar Council passes resolution that an advocate against whom proceedings are sought to be initiated gets a right to come to court. Until then, the receipt of a complaint by the Bar Council and the Bar Council calling upon the advocate to offer his comments are only at nascent stages where not even a prima facie conclusion is reached by the Bar Council.

4. Therefore, we dismiss the writ petitions on the ground that they are premature, leave it open to the petitioners to work out their remedies at the appropriate stage. However, since the time limit for petitioners to submit comments is expired on 1.8.2015, the petitioners are granted time up to 14.8.2015 to file their objections. There will be no order as to costs. Consequently, M.P.No.1 of 2015 is closed.

Sd/-

Asst.Registrar

/true copy/

सत्यमेव जयते

Sub Asst. Registrar

gr.

To

1. The Secretary, Bar Council of Tamilnadu, High Court Campus, Chennai-104.
2. Mr.Srinivasan, Inspector of Police, E-4, Abiramapuram Police Station, Chennai.

+2 ccs to Mr.G.Murugendran, Advocate, sr.40482 & 40483

W.P.Nos. 23314 and
23315 of 2015 and
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mg(co), kra(18/08)