

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.9.2015

CORAM

THE HON'BLE MR.JUSTICE V.RAMASUBRAMANIAN
and
THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.29577 of 2015

L.Dinesh

.. Petitioner

Vs.

The Secretary
Bar Council of Tamil Nadu and Puducherry
Madras High Court Campus,
Chennai 600 104.

.. Respondent

Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondent to enrol the petitioner as an Advocate in the rolls of the Bar Council of Tamil Nadu and Puducherry based on the application submitted by the petitioner on 7.9.2015.

For Petitioner : Mr.P.D.Selvaraj
For Respondent : Mr.S.Y.Masood, Standing Counsel

O R D E R

(Made by V.Ramasubramanian,J)

The petitioner, whose application for enrolment as an Advocate was not entertained by the Bar Council on account of the pendency of criminal case, has come up with the above writ petition.

2. Heard Mr.P.D.Selvaraj, learned counsel for the petitioner and Mr.S.Y.Masood, learned counsel for the respondent.

3. Admittedly, there was a criminal complaint pending in Crime No.1451 of 2013 on the file of T.15 S.R.M.C. Porur Police Station, against the petitioner for the alleged offence under Sections 294 (b), 324 and 506(i) of IPC. However, the petitioner has not disclosed the pendency of the criminal case in his application form for enrolment. Therefore, the application of the petitioner was not entertained by the Bar Council.

4. Contending that no criminal case is pending against him and therefore, there is no bar for entertaining his application for

enrolment, the petitioner has come up with the above writ petition.

5. It appears that a final report has been filed by the Sub-Inspector of Police, T.15 S.R.M.C. Police Station, Porur, on the file of the Judicial Magistrate No.I, Poonamallee referring the complaint against the petitioner in Crime No.1451 of 2013 as "Mistake of Fact" and it has been recorded by the learned Judicial Magistrate No.I, Poonamallee as Referred Charge sheet No.12 of 2015 dated 03.09.2015 and as such, no complaint is actually pending against the petitioner as on today.

6. Admittedly, there is no criminal case is pending against the petitioner as on today. Hence, there is no impediment for the admission of the petitioner for enrolment. Therefore, the writ petition is allowed directing the respondents to process the application of the petitioner in accordance with law and admit him for enrolment if all other qualifications are satisfied and certificates are in order. There shall be no order as to costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

gr.

To

The Secretary
Bar Council of Tamil Nadu and Puducherry
Madras High Court Campus, Chennai 600 104.

3 cc to Mr. P.D.Selvaraj, Advocate Sr.No.52636

1 cc to Mr.S.Y.Masood, , Advocate Sr.No.52682

W.P.No.29577 of 2015.

arco

pmk.1.10.2015

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