

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.6.2015

CORAM

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

Writ Petition No.6199 of 2015
and
M.P.No.1 of 2015

C.Vetrivel .. Petitioner

Vs.

1. The Chairman
Bar Council of India, New Delhi.
2. The Chairman and Secretary
Bar Council of Tamil Nadu and Pondicherry
High Court Buildings, Chennai 104.
3. The Inspector of Police
E-2, Ponneri Police Station
Ponneri, Thiruvallur District. .. Respondents

Petition under Article 226 of the Constitution of India
praying for a writ of Certiorarified Mandamus to call for the
records of the second respondent dated 12.02.2015 in R.O.C.No.309
of 2015, quash the same and consequently, to direct the second
respondent to enrol the petitioner as member of the Bar Council.

For Petitioner : Mr.M.L.Ramesh

For Respondent-1 : Mr.S.R.Rajagopal

For Respondent-2 : Mr.S.Y.Masood

For Respondent-3 : Mr.I.Arokiasamy, G.A.

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 investigation into two criminal complaints, has come up with the
above writ petition challenging an order passed by the Bar Council.

2. Heard Mr.M.L.Ramesh, learned counsel for the petitioner, Mr.S.R.Rajagopalan, learned counsel for the first respondent, Mr.S.Y.Masood, learned counsel for the second respondent and Mr.I.Arokiasamy, learned Government Advocate for the third respondent.

3. Admittedly, two criminal complaints in crime Nos.131/11 and 262/11 were lodged against the petitioner. By an order passed in Crl.O.P.(MD) No.14573 of 2014, a learned Judge of this Court directed the Bar Council not to admit for enrolment, candidates who have criminal background and who have also suppressed the same. Therefore, when the petitioner made an application for enrolment, it was rejected by the Bar Council.

4. Contending that the criminal complaints came to be lodged by the neighbour, on a purely civil dispute relating to a property as between them, the petitioner came up with the above writ petition. Therefore, we entertained the writ petition and ordered notice.

5. Today, the learned Government Advocate produced a copy of the communication from the Inspector of Police, Ponneri Police Station dated 11.6.2015. As per the said communication, the complaint in Crime No.131/11 was registered under Section 145 of the Code of Criminal Procedure. It was referred to the Revenue Divisional Officer, Ponneri. The Revenue Divisional Officer passed final orders in favour of the petitioner herein.

6. Insofar as the second complaint in Crime No.262/11 is concerned, the same is stated to have been closed after investigation as a mistake of fact long time ago. Therefore, the complaints are actually not pending either on the date of the application made by the petitioner for enrolment or as on today. Hence, there is no impediment for the admission of the petitioner for enrolment. Therefore, the writ petition is allowed directing the respondent 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. Consequently, M.P.No.1 of 2015 is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

kpl

To

1. The Chairman, Bar Council of India, New Delhi.

2. The Chairman and Secretary
Bar Council of Tamil Nadu and Pondicherry
High Court Buildings, Chennai 104.

3. The Inspector of Police
E-2, Ponneri Police Station,
Ponneri, Thiruvallur District.

1 cc to Mr.S.Y.Masood, Advocate, Sr. 28555

1 cc to Mr.M.L.Ramesh, Advocate, sr. 28399

1 cc to Mr.S.R.Rajagopal, Advocate, Sr. 28548

1 cc to Government Pleader, Sr. 28618

W.P.No.6199 of 2015.

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