

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2016

CORAM:

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

Writ Petition No.11330 of 2016
and
WMP Nos.9790 and 9791 of 2016

S.Mahendran

... Petitioner

Versus

1. The Bar Council of Tamilnadu
and Puducherry,
rep. by its Secretary,
Bar Council of Tamil Nadu and Puducherry,
Bar Council Building, Chennai-104.
 2. The Disciplinary Committee No.IV,
Bar Council of Tamil Nadu and Puducherry,
Bar Council Building,
Chennai-104.
- ... Respondents 1 and 2

Writ Petition filed under Article 226 of India for the issue of a Writ of Certiorarified Mandamus to call for the records relating to its resolution vide R.O.C.No.3449 of 2015, dated 16.11.2015, culminating in its prohibitory order vide R.O.C.No.3540 of 2015 dated 23.11.2015 restraining the petitioner from practising as advocate, quash the same in so far as it relates to the petitioner.

For Petitioner : Mr.R.C.Paul Kanagaraj
For Respondent-1 & 2 : Mr.R.Singaravelan,
Senior Counsel
for
M/s.M.Srividhya

ORDER
(Delivered by V.RAMASUBRAMANIAN, J)

The petitioner has come up with the above writ petition challenging an order issued by the Chairman of the Bar Council of Tamil Nadu and Puducherry, prohibiting him from practising as Advocate in any Court until the conclusion of the disciplinary proceedings and also the initiation of disciplinary proceedings.

2. We have heard Mr.R.C.Paul Kanagaraj, learned counsel for the petitioner, Mr.R.Singaravelan, learned Senior Counsel appearing for the respondents 1 and 2.

3. By our order dated 21.3.2016, passed in W.P.Nos. 499 to 502 of 2016, we have indicated three categories into which the cases of the suspended lawyers would fall. From the averments contained in the affidavit, it appears that the petitioner's case would fall under the first category. He appears to have been part of a crowd near the Court Hall No.4 where the hearing of a Contempt Petition was to take place. In para 4 of his affidavit, he has explained his presence in the crowd as follows:-

"4. I further submit that it is true that I was standing near the court which was hearing the Contempt Petition on 16.09.2015. I went there only in order to meet Mr.Paul Kanakaraj, the President of the Madras High Court Association, who is engaged by me to appear in one of my cases and only on his call, I went near the court, to discuss regarding the filing of an appeal in my case in Crl.R.C.No.1125 of 2014. I went there in a colour dress, not wearing the Advocate's robe. It was only for this purpose, I happened to stand in the corridors of the said Court. When I was there, a group of lawyers attempted to barge into Court Hall No.4, raising slogans. I was jostled in the crowd. At that time, Mr.R.C.Paul Kanakaraj, President, M.H.A.A. requested me to control and pacify the Advocates who raised slogans. Hence I stood upon a nearby table and attempted to pacify them, but in vain. Soon after this, Mr.Paul Kanakaraj asked me to meet him in the evening in his office. So I left the place. I never shouted any slogans against our Court or any of our Hon'ble Judges. I have high respect for our Courts and the Hon'ble Judges. I never even dream of doing an act, disrespectful of our

Courts. I will not do anything that will demean or lower the dignity, honour and majesty of our Hon'ble Judges and the courts, they preside over. In the video clip, it could be seen that more than 500 advocates participated in the demonstration. Majority of them, though identifiable, were not proceeded against. I and few others have been singled out at this harsh punishment of supervision, has been meted out to me. I am innocent. I did not commit any misconduct. "

4. Even according to the learned counsel for the Bar Council, the petitioner was present in the crowd but does not appear to have raised any slogans.

5. Therefore, we take a sympathetic view in view of the lapse of about 5 months and inclined to direct the Bar Council to revoke suspension. It is also seen that the petitioner is not part of the group which indulges in whats App war or printing of pamphlets in pseudo names. Those persons would certainly fall under the third category. The case of the petitioner would fall under the first category.

6. Therefore, the writ petition is allowed, directing the Bar Council to revoke the suspension of the petitioner. The petitioner shall render necessary cooperation in the early conclusion of the disciplinary proceedings. No costs. Consequently, WMP Nos.9790 and 9791 of 2016 are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gr.

To

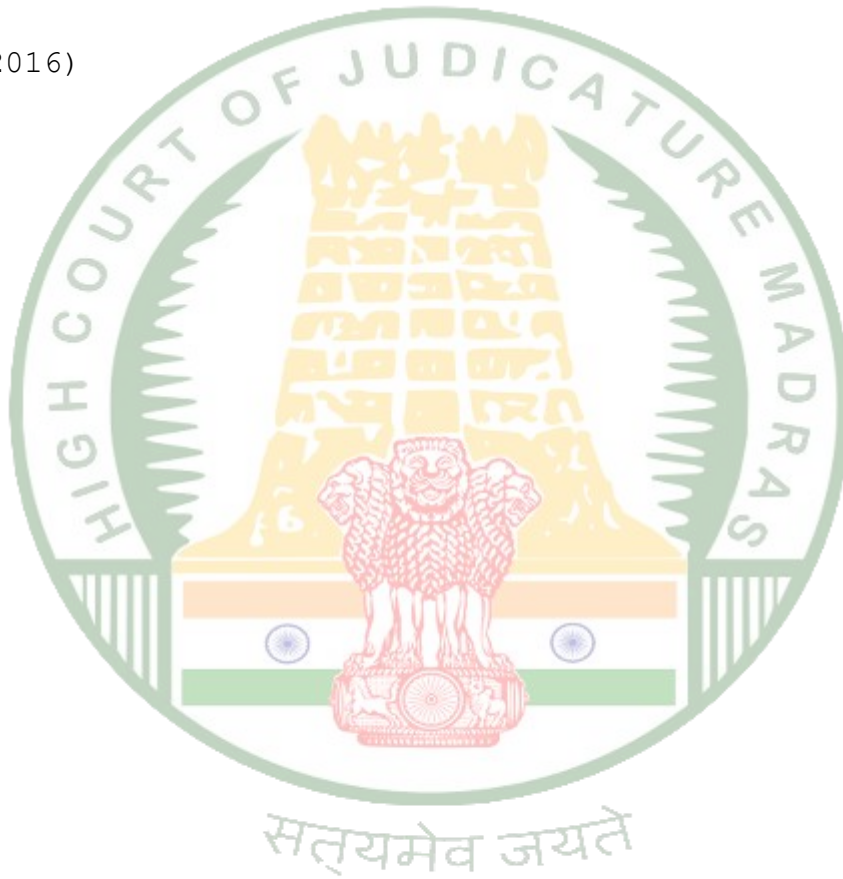
1. The Secretary,
Bar Council of Tamilnadu
and Puducherry,
Bar Council of Tamil Nadu and Puducherry,
Bar Council Building,
Chennai-104.

2. The Disciplinary Committee No.IV,
Bar Council of Tamil Nadu and Puducherry,
Bar Council Building,
Chennai-104.

+3cc's to Mr.R.C.Paul Kanagaraj, Advocate, S.R.No.25610
+1cc to Mr.M.Srividhya, Advocate, S.R.No.25762

W.P.No. 11330 of 2016

PUR(CO)
CA(06/05/2016)



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