

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH  
and  
THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Writ Petition No.2309 of 2016

S.Manikandan

...Petitioner

Vs.

1. The Secretary,  
Tamilnadu Bar Council,  
High Court Buildings,  
Chennai - 600 104.

2. The Superintendent of Police,  
Thirupur District,  
Thirupur.

3. The Inspector of Police,  
Tirupur North Police Station,  
Tirupur,  
Tirupur District.

4. The Bar Council of India,  
Rep. By its Chairman,  
New Delhi.

..Respondents

[R4 is impleaded as per Order dated 03.02.2016 by S.K.A.,J. and M.V.J., in WMP No.3458/2016 in WP No.2309/2015]

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus, directing the 1<sup>st</sup> respondent to enroll the petitioner as Advocate in the roll of the Bar Council of Tamilnadu

For Petitioner : Mr.D.Selvaraju

For Respondents : Mr.R.Singaravelan, Sr. Counsel  
for Ms.M.Srividya  
Mr.P.S.Sivashanmugasundaram (for R2&R3)  
Spl Govt. Pleader  
Mr.S.R.Rajagopal (for R4)

O R D E R

(Order of the Court was made by HULUVADI G. RAMESH, J.)

This writ petition is filed praying to issue a writ of mandamus, directing the 1<sup>st</sup> respondent to enroll the petitioner as Advocate in the roll of the Bar Council of Tamilnadu

2. Heard the learned counsel appearing for the parties.

3. It appears that the petitioner made an application for enrolment as an Advocate along with necessary documents on 30.03.2015. It appears that the police having apprehended a student, was taken to the police station, where petitioner shown to have went there to rescue the student to get him released, for which, the police were not agreeable. In this regard, a commotion took place. For having went there to the police station with a group of people, FIR has been registered against the petitioner and others, which is pending for more than one year and no final report has been filed so far. There is no act of attempt murder, neither a case of murder nor rape. Technically, either of the respondent authorities are also not taking any decision to enroll the petitioner, eventhough, the petitioner was otherwise found eligible. Mere registration of FIR against any person is not a proof of any offence being committed to disable persons right.

4. In these circumstances, the writ petition is allowed, directing the respondents/bar Council to consider the case of the petitioner for enrolment, after verification of the documents available. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

1. The Secretary,  
Tamilnadu Bar Council,  
High Court Buildings,  
Chennai - 600 104.

2. The Superintendent of Police,  
Thirupur District,  
Thirupur.

3. The Inspector of Police,  
Tirupur North Police Station,  
Tirupur,  
Tirupur District.

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

+1cc to the Government Pleader Sr.60599  
+1cc to Mr.S.R.Rajagopal, Advocate sr.60310  
+1cc to Mr.D.Selvaraju, Advocate Sr.60279

W.P.No.2309 of 2016

sai[co]  
srg 2/11/2016



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