

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.32576 of 2016

and

WMP.Nos.28234 to 28236 of 2016

Elephant G.Rajendran ... Petitioner

-vs-

1.Bar Council of India,
Bar Council Bhawan,
21, Rouse Avenue Institutional Area,
New Delhi-2,
rep. by its Secretary.

2.The Chairman,
Bar Council of India,
Bar Council Bhawan,
21, Rouse Avenue Institutional Area,
New Delhi-2.

3.S.Prabakaran

4.D.Selvam

5.The State of Tamil Nadu,
rep. by the Secretary to Government,
Home Department,
Secretariat, Chennai-9.

6.The Director General of Police,
Mylapore, Chennai-600 004.

7.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-7.

8.The Inspector of Police,
B-4 High Court Police Station,
Chennai-104.

9.The Registrar General,
Madras High Court,
Chennai-104.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 and 2 to initiate disciplinary proceedings against 3rd and 4th respondents on the base of representation dated 07.11.2015.

For Petitioner : Mr.V.Selvaraj
for
Mr.Elephant G.Rajendran
Party in person

For Respondents : Mr.S.R.Rajagopal for R1 & R2
Mr.R.Vijayakumar
Addl. G.P. for R5 to R8
Mr.E.Kumaresan for R9

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner, an advocate, apparently seeks to vent his personal angst against two members of the Bar Council, styling the present petition as public interest litigation. The petition does not really speak about the larger issue as to what is the effect of the charge sheet being filed against advocates or charges be framed. There may be many more such cases. It is directly targeted against respondent Nos.3 and 4, who happened to hold the posts, referring to the first information report registered, charges framed, charges quashed, newspaper reports and other matters, to contend that disciplinary proceedings should be initiated against them by the Bar Council of India and the Chairman of the Bar Council of India, the first two respondents, in pursuance to the representation dated 07.11.2015 made by the petitioner. It also seeks suspension of their licenses pending disciplinary proceedings, which seeks to take over the criminal investigation system, by seeking directions in the public interest litigation, to monitor the alleged criminal cases.

2. We are of the view that this is gross abuse of process of the jurisdiction of public interest litigation and must be nipped in the bud.

3. We would have imposed costs in this matter, but for the fact that the petitioner has come before us in other important public issues.

4. The writ petition is dismissed. No costs.
Consequently, W.M.P.Nos.28234 to 28236 of 2016 are also dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary,
Bar Council of India,
Bar Council Bhawan,
21, Rouse Avenue Institutional Area,
New Delhi-2.
- 2.The Chairman,
Bar Council of India,
Bar Council Bhawan,
21, Rouse Avenue Institutional Area,
New Delhi-2.
- 3.The Secretary to Government,
Home Department,
Secretariat, Chennai-9.
- 4.The Director General of Police,
Mylapore, Chennai-600 004.
- 5.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-7.
- 6.The Inspector of Police,
B-4 High Court Police Station,
Chennai-104.
- 7.The Registrar General,
Madras High Court,
Chennai-104.

+1cc to Mr.E. Kumaresan, Advocate, S.R.No.53019
+1cc to Mr.S.R. Rajagopal, Advocate, S.R.No.52864
+1cc to the Government Pleader, S.R.No.52917
+1cc to Mr.Elephant G. Rajendran, Advocate Sr.52759

TRM(CO)
EU(27/09/2016)

W.P.No.32576 of 2016