

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.841 of 2016 and W.M.P. No.663 of 2016

K. Solmuthu Azhagan

Petitioner

Vs.

1 The Bar Council of Tamil Nadu
represented by its Secretary
High Court Campus
Chennai 600 104

2 The Registrar
Disciplinary Committee No.IV
Bar Council of Tamil Nadu
Chennai 600 104

3 T.N. Boopal

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorari, calling for the entire records pursuant to the resolution no.298 of 2015 dated 17.10.2015 passed by the second respondent and notice of hearing in D.C.C. No.51/2015 dated 07.12.2015 also issued by the second respondent and quash both the same.

For petitioner Mr. T.P. Prabakaran

For RR 1 & 2 Mr. R. Singaravelan

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ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. R. Singaravelan, learned counsel, accepts notice for respondents 1 and 2. At this stage, it is not necessary to serve notice on the third respondent, as the Bar Council of Tamil Nadu, before taking any steps, is obliged to issue and give an opportunity to him also. Thus, with the consent of the

learned counsel for the petitioner and the learned counsel for respondents 1 and 2, the writ petition is taken up for final disposal, at the admission stage itself.

2 The petitioner, a practising advocate, being aggrieved by the resolution dated 17 October 2015 passed by the second respondent, viz., the Registrar, Disciplinary Committee No.IV, Bar Council of Tamil Nadu, whereby and whereunder, it is resolved to refer the third respondent's complaint against the petitioner to the Disciplinary Committee for disposal and also the notice of hearing dated 07 December 2015 issued by the second respondent, has come up with the instant writ petition.

3 The learned counsel for the petitioner submits that a complaint is maintainable at the instance of a person who has engaged an advocate in a case to be filed or prescribed before a judicial Court or any Tribunal. The petitioner was not engaged by the third respondent as an advocate in any case and as such, the application at the instance of the third respondent, is not maintainable. It is further submitted that in response to the impugned notice of hearing dated 07 December 2015, the petitioner has submitted his detailed comments/response before the second respondent Committee. Thus, the said Committee be directed not to proceed with the proceedings on the aforesaid facts, without examining the petitioner's comments/response.

4 Mr. R. Singgaravelan, learned counsel for respondents 1 and 2 submits that the comments/response submitted by the petitioner will be examined carefully and only thereafter, further steps will be initiated.

5 In view of the above submission of the learned counsel for respondents 1 and 2, it is ordered accordingly.

The writ petition stands disposed of with the above observation. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

cad

To

1 The Secretary
Bar Council of Tamil Nadu
High Court Campus
Chennai 600 104

2 The Registrar
Disciplinary Committee No.IV
Bar Council of Tamil Nadu
Chennai 600 104

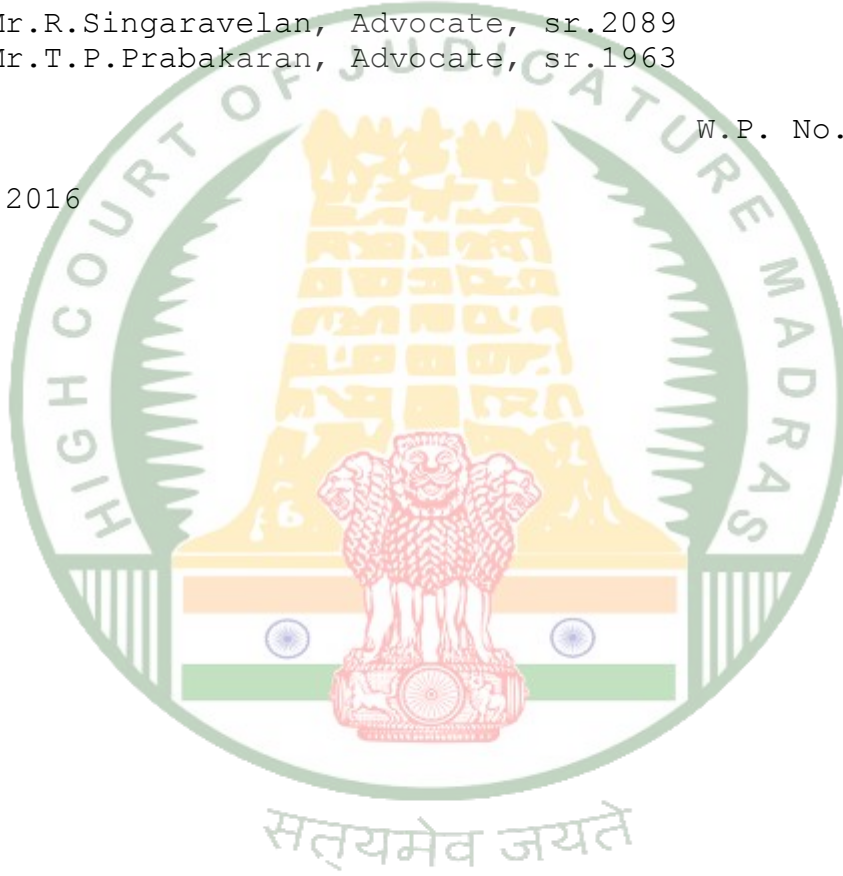
+1 cc to Mr.R.Singaravelan, Advocate, sr.2089

+1 cc to Mr.T.P.Prabakaran, Advocate, sr.1963

W.P. No.841 of 2016

msm co

kra 25.01.2016



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