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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2016

CORAM:

**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

W.P (MD) No.13002 of 2016

V.Ramachandran

... Petitioner

Vs.

1. The Secretary,
Bar Council of Tamil Nadu and Puducherry,
High Court Campus,
Chennai - 600 104.

2. The Inspector of Police,
Thirukostiyoor Police Station,
Sivagangai District - 630 210.

3. The Inspector of Police,
Thiruppathur Police Station,
Thiruppathur,
Sivagangai District - 630 211.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the first respondent to accept the petitioner's application dated 26.08.2015 in Form No.V, (3145) and permit him to enroll as an Advocate before the first respondent by considering his representation dated 20.07.2016.

For Petitioner : Mr.R.Sureshkumar

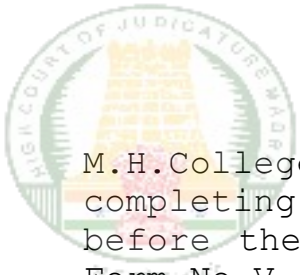
For Respondents : Mr.M.Subash Babu for R.1
Mr.D.Muruganantham,
Special Government Pleader for R.2 & R.3

ORDER

(Order of the Court was made by M.SATHYANARAYANAN,J.)

By consent, the writ petition is taken up for final hearing.

<https://hcservices.courts.gov.in/hcservices/>
2. The petitioner would state that the petitioner had completed his 3 years L.L.B., Degree Course conducted by



M.H.College of Law, Ramanagara, Karnataka and after successfully completing the same, the petitioner submitted the application before the first respondent for his enrollment as an Advocate in Form No.V (3145) along with necessary annexures.

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3. According to the petitioner, while filling up the column No.13(b) in Form No.V, he has inadvertently omitted to mention about the pendency of the criminal case against him in Cr.No.17 of 2012 for the offences under Sections 419, 420, 468 and 471 I.P.C., wherein the petitioner and his wife were arrayed as A.8 and A.10 respectively. Apart from the said case, a case in Cr.No.42 of 2013 which has been culminated after completion of the investigation in filing the charge sheet in C.C.No.206 of 2015 on the file of the learned Judicial Magistrate, Thiruppathur.

4. According to the petitioner, the case in Cr.No.17 of 2012 came to be quashed by this Court vide order dated 30.11.2015 passed in Crl.O.P(MD)No.22630 of 2015, on account of compromise. Insofar as C.C.No.206 of 2015 is concerned, it came to be held in favour of the petitioner and subsequently, he has also submitted a representation dated 20.07.2016 to the respondents and despite receipt and acknowledgment, no orders have been passed and hence, the present writ petition is filed.

5. Heard the submissions of Mr.M.Subash Babu, learned Counsel for the first respondent and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents 2 and 3.

6. It is the submission of the learned Counsel for the first respondent that admittedly, at the time of submission of the above said Form No.V, two prosecutions are pending against the petitioner and since the petitioner omitted to disclose the same, his enrollment has not been considered and hence, prays for the dismissal of this writ petition.

7. The learned Additional Government Pleader appearing for the respondents 2 and 3 would contend that as pointed out by the learned Counsel for the first respondent, at the time of submission of the application, admittedly, the criminal cases were pending and subsequently only, it came to be held in favour of the petitioner.

8. This Court has considered the rival submissions and perused the materials available on record.

9. Though the petitioner sought for a larger relief, this Court has taken into consideration the facts and circumstances of the case and without going into the merits of the case projected by the petitioner either in his representation dated 20.07.2016 or in



this writ petition, directs the first respondent to consider the same on merits and in accordance with law, after providing an opportunity of personal hearing to the petitioner and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

10. Accordingly, this writ petition is disposed of. No costs.

Sd/

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1. The Secretary, Bar Council of Tamil Nadu and Puducherry,
High Court Campus, Chennai - 600 104.
2. The Inspector of Police,
Thirukostiyoor Police Station,
Sivagangai District - 630 210.
3. The Inspector of Police,
Thiruppathur Police Station,
Thiruppathur, Sivagangai District - 630 211.

+1cc to M/s.R.Suresh Kumar, Advocate, in SR No.73288.

+1cc to M/s.M.Subash Babu, Advocate, in SR No.73797.

+1cc to Special Government Pleader in SR.No.73713.

W.P (MD) No.13002 of 2016

28.11.2016

rsb

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