

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.03.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

AND

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.4623 of 2017

C.Baskara Raj ... Petitioner

- Vs -

The Bar Council of Tamil Nadu & Puducherry,
represented by its Secretary,
High Court Campus,
Chennai - 600 104. ...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 04.07.2016 of the respondent (communicated by the respondent on 19.10.2016) rejecting Application No.4562 dated 26.03.2014 for enrolment as an advocate on the rolls of the respondent, quash the same and consequently direct the respondent to forthwith enroll the petitioner as an advocate on the rolls of the respondent.

For Petitioner : Mr.A.S.Vijayaraghavan

O R D E R

This Writ Petition has been filed challenging the Order passed by the respondent by which the opinion of the bar council has been sought for under section 26(2) of the Advocates Act 1961.

2. The impugned Order is merely an expression of intending to refuse the application sent by the petitioner for enrolment. As per section 26(2) of the Advocates 1961, when a State Bar Council proposes to refuse any such application, shall refer it for opinion to Bar Council of India. Thereafter, the enrolment committee of the Bar Council shall proceed to dispose of the application on receipt of the opinion of the bar council by duly following it. Unfortunately, the said stage has not come.

3. In such view of the matter, we are of the view that this Writ Petition is premature in nature. Accordingly, this Writ Petition is dismissed. However, liberty is given to the petitioner to challenge the decision of the respondent, if it acts against the petitioner, in confirmation with the opinion of the Bar Council.

Sd/-
Assistant Registrar(J)

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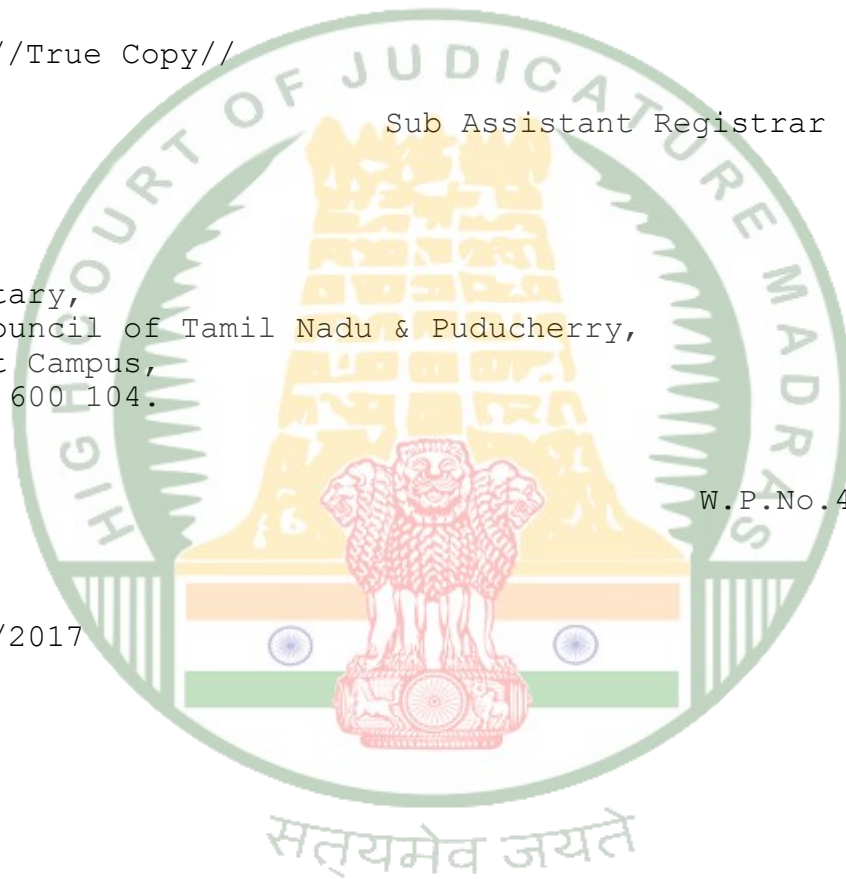
Sub Assistant Registrar

vrc

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

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