

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2017

CORAM:

THE HONOURABLE MR. **JUSTICE RAJIV SHAKDHER**
and
THE HONOURABLE MR. **JUSTICE ABDUL QUDDHOSE**

W.P.No.24129 f 2017
and M.P.Nos.25481 and 25482 of 2017

A.Sethu

.. Petitioner

Vs.

1. Secretary,
Bar Council of Tamilnadu,
High Court Campus, Chennai-600 104.
2. Secretary,
Bar Council of India,
21, Rouse Avenue Institutional Area,
New Delhi-110 001.
3. Registrar General,
High Court of Madras, Chennai-600 104.
4. Manikandan Vathan Chettiar,
Advocate (banned by a prohibitory order)
60, Law Chambers, High Court,
Madras.

.. Respondents

* * *

Prayer : Writ Petition filed under Article 226 of the Constitution, praying to issue a writ of Certiorarified Mandamus, by calling for the records and quashing the impugned *ex parte* resolution dated 09.09.2015 in ROC 2685 of 2015 on the file of the first respondent and all consequential proceedings arising therefrom pertaining to the prohibition of the fourth respondent, which are pending on the file of the first and second respondents, and consequently direct the third respondent to list the petitioner's cases namely, WP numbers 12052/10, 24299/11, 19171/14, and permit the fourth

respondent to argue them, and thus render justice.

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For Appellant : Mr.A.Sethu,
Petitioner in Person

ORDER

[Order of the Court was made by **RAJIV SHAKDHER, J.**]

1. We have asked the petitioner as to how the writ petition can be sustained, in view of the fact that the impugned resolution passed by the Bar Council of Tamil Nadu (in short, "Council"), is directed against respondent No.4.

1.1. To be noted, the impugned resolution is dated 09.09.2015, and is passed in R.O.C.No.2685 of 2015. As per the averments in the writ petition, the said resolution prohibits respondent No.4, that is, one, Mr.Manikandan, S/o.Vathan Chettiar (Enrollment No.MS.981/2000) and, his junior, one, Mr.R.Mathan Kumar (Enrollment No.2613/2013), from practising as Advocates in any Court of law, Tribunal, etc. till the disposal of the *suo moto* (sic, *suo motu*) complaint initiated by the Council and the disciplinary proceedings initiated in pursuance of the order passed by this Court.

2. The petitioner says that he had engaged respondent No.4, as an Advocate, and that, the impugned resolution was passed by the Council, without notice to him.

2.1. The petitioner has also adverted to the integrity and the professional skills of respondent No.4, in his written note, to buttress his case.

2.2. Furthermore, the petitioner contends before us that fees has been paid to respondent No.4, and because of the impugned resolution passed by the Council, his interest are getting impacted.

3. We had, at this stage, queried the petitioner as to whether he would want to prefer a complaint against respondent No.4 for not returning the fees paid by him, since, pending the operation of the impugned resolution, respondent No.4 cannot act as an Advocate on his behalf.

3.1. To this query, the petitioner's clear and unequivocal response was that he did not intend to file a complaint against respondent No.4 for retaining the fees made over to him for prosecuting his matter.

4. Clearly, this is a got up proceedings. Respondent No.4, as it appears, is using the petitioner to further his cause.

5. To be noted, the substantive prayer made in the writ petition is as follows :

"..... to issue a writ of *certiorarified mandamus*,

by called for the records and quashing the impugned *ex parte* resolution dated 09.09.2015, in ROC No.2685 of 2015 on the file of the 1st respondent and all consequential proceedings arising therefrom pertaining to the prohibition of the 4th respondent which are pending on the file of the 1st and 2nd respondents, and consequently direct the 3rd respondent to list the petitioner's cases namely WP numbers 12052/10, 24299/11, 19171/14, and permit the 4th respondent to argue them, and thus render justice."

6. In furtherance of his submissions, the petitioner relies upon the judgement of the Supreme Court rendered in : **Supreme Court Bar Association V. Union of India, 1998 (4) SCC 409.**

7. We have considered the submissions advanced by the petitioner.

8. As indicated above, these are proceedings, which appear to have been initiated at the behest of respondent No.4.

9. The prayer made in the writ petition, according to us, cannot be granted at the say so of the petitioner, who is only at best a client of respondent No.4.

9.1. The petitioner, in our view, has no *locus standi*, to assail the impugned resolution, passed by the Council against respondent

No.4.

10. The judgement of the Supreme Court in the case of :
Supreme Court Bar Association V. Union of India, 1998 (4)
SCC 409, would not help the cause of the petitioner, as, in sum, it holds that the power to suspend the license vests with the Council.

11. For the foregoing reasons, we find no merit in the writ petition. The same is, accordingly, dismissed.

(R.S.A., J.) (A.Q., J.)
 04.09.2017

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To

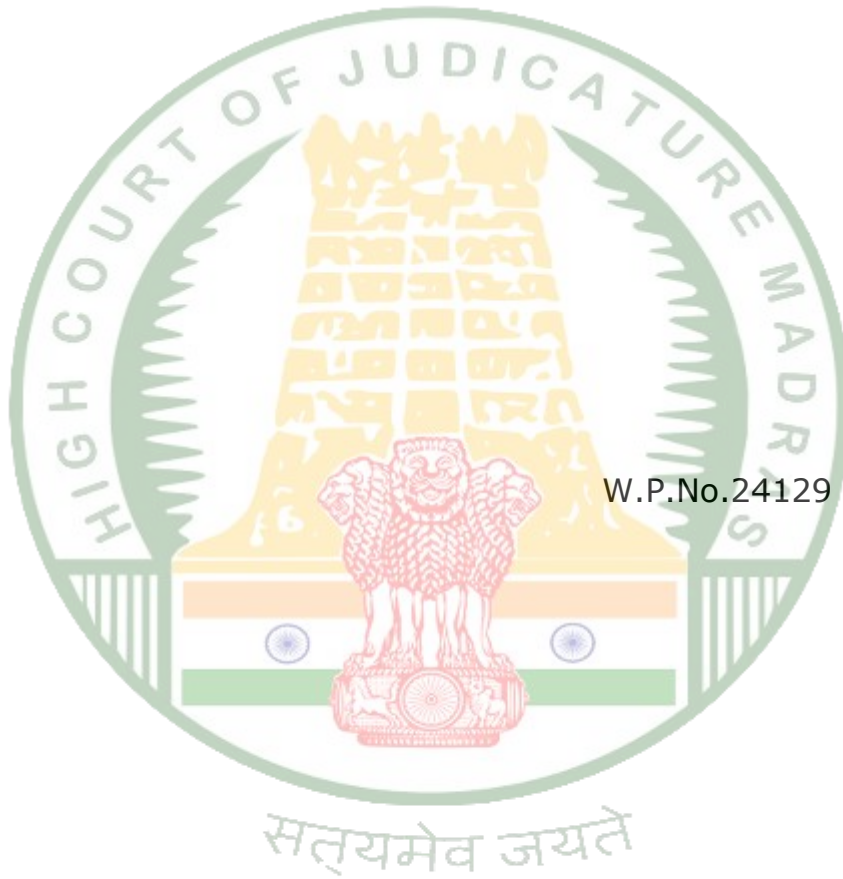
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RAJIV SHAKDHER, J.
and
ABDUL QUDDHOSE, J.

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