

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.2567 of 2017

A.Abdul Rahman

.. Petitioner

Vs.

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

2. Bar Council of India,
represented by its Secretary,
21,Rouse Avenue Institutional Area
Near BalBhawan
New Delhi-110 002.

3. The Chairman,
Special Disciplinary Committee
Karnataka State Bar Council,
Old K.G.I.D.Building
Dr.Ambedkar Veedhi
Bangalore.

.. Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India praying to issue writ of mandamus to direct the second respondent to consider and dispose of the petitioner's Interim Stay Application in C.M.P.No.1 of 2017 in D.C.Appeal No.1 of 2017, against D.C.C.No.56 of 2015 dated 30.12.2016, pending on the file of the second respondent.

For Petitioner : Mr.T.Velumani
For Respondents : Mr.S.R.Rajagopal - R2

O R D E R

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

This Writ Petition has been filed, seeking for issuance of a writ of mandamus to direct the second respondent to

consider and dispose of the petitioner's Interim Stay Application in C.M.P.No.1 of 2017 in D.C.Appeal No.1 of 2017, against D.C.C.No.56 of 2015 dated 30.12.2016, pending on the file of the second respondent.

2.The learned counsel appearing for the writ petitioner submits that as per Section 29(2) of Part VII of the Bar Council of India Rules, before the matter is allotted to the Disciplinary Committee, the Registrar may obtain orders through the Application for Interim Stay from the Chairman of any of the Disciplinary Committee. Thus, it is submitted that there is no necessity to wait for the constitution of a new Committee.

3.The learned counsel appearing for the Bar Council of India fairly submits that the sufficient time may be granted to the Bar Council of India to pass appropriate orders on the pending Application, seeking suspension of the punishment imposed by the Disciplinary Authority, as per law.

4. Considering the submissions made and taking note of the scope and ambit of Section 29(2) of Part VII of the Bar Council of India Rules, which involves exercise of power, pending adjudication on merits of the appeal, we deem it fit to direct the learned counsel appearing for the Bar Council of India to dispose of the petitioner's Application on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is needless to mention that while passing appropriate orders, the second respondent shall consider Section 29(2) of Part VII of the Bar Council of India Rules.

The Writ Petition stands disposed of accordingly. No costs.

s/d-
Assistant Registrar(CS-III)

//True Copy//

Sub-Assistant Registrar

To

1. The Secretary
Bar Council of Tamil Nadu and Puducherry,
High Court Campus,
Chennai-600 104.
2. The Secretary
Bar Council of India,
21,Rouse Avenue Institutional Area
Near BalBhawan, New Delhi-110 002.

3.The Chairman,
Special Disciplinary Committee
Karnataka State Bar Council,
Old K.G.I.D.Building
Dr.Ambedkar Veedhi
Bangalore.

+1 CC to Mr. T. Velumani, sr 7100

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