

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.Nos. 43306 of 2016 and 786, 2195 & 2253 of 2017

& WMP Nos.37153 of 2016 and 820, 2168 & 2213 of 2017

K.Muthuramalingam ...Petitioner in
W.P.No.43306 of 2016

V.Kayalvizhi ...Petitioner in
W.P.No.786 of 2017

Infant Dinesh ...Petitioner in
W.P.No.2195 of 2017

Y.Antony Jyothi Sheeran ...Petitioner in
W.P.No.2253 of 2017

Vs.

1.The Bar Council of India,
represented by its Secretary,
Rouse Avenue, New Delhi.

2.The Bar Council of Tamil Nadu and Puducherry,
rep. by its Secretary,
High Court Buildings,
Chennai-600 104.

3.The Registrar,
The Special Disciplinary Committee constituted
by the Bar Council of India,
Karnataka State Bar Council,
Bangalore.

... Respondents in
W.P.Nos. 43306 of 2016
and 786 & 2195 of 2017

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

2.The Bar Council of India,
represented by its Secretary,
No.21, Rouse Avenue Institutional Area,
Near Bal Bhawan, New Delhi-110 002.

3.Bar Council of Karnataka,
(Special Disciplinary Committee)
Rep. by its Secretary,
Old K.G.I.D. Building,
Dr. Ambedkar Veedhi,
Bangaluru, Karnataka

... Respondent in
W.P.No.2253/2017

Prayer:- W.P.No.43306 of 2016 is filed under Article 226 of the Constitution of India praying to issue writ of mandamus to direct the third respondent to entertain, hear and dispose of I.A., filed by the petitioner on 01.12.2016 under Section 40(2) of the Advocates Act, praying for interim stay of the operation of its order dated 20.11.2016 in DCC No.56 of 2015 within a time frame as may be framed by this Court.

W.P.No.786 of 2017 is filed under Article 226 of the Constitution of India praying to issue writ of mandamus to direct the first respondent to entertain, hear and dispose of I.A. No.49 of 2016 filed by the petitioner on 23.12.2016 under Section 40(1) of the Advocates Act, praying for interim stay of the operation of its order dated 20.11.2016 in DCC No.56 of 2015 within a time frame as may be framed by this Court.

W.P.No.2195 of 2017 is filed under Article 226 of the Constitution of India praying to issue writ of mandamus to direct the first respondent to entertain, hear and dispose of I.A. filed by the petitioner on 05.12.2016 under Section 40(1) of the Advocates Act, in Stay.44/2016 in DC Appeal No.87 of 2016 in DCC No.56 of 2015 within a time frame as may be framed by this Court.

W.P.No.2253 of 2017 is filed under Article 226 of the Constitution of India praying to issue writ of mandamus to direct the second respondent to dispose of the appeal in D.C.Appeal No.4 of 2017.

For Petitioner : Mr.D.Ravichander
in W.P.No.43306/2016
For Petitioner : Mr.R.Sasi Kumar
in W.P.No.786/2017
For Petitioner : Mr.R.C.Paul Kanagaraj
in W.P.No.2195/2017

For Petitioner : Mr.V.Raghavachari
in W.P.No.2253/2017

For Respondents in : Mr.S.R.Rajagopal for R1
W.P.Nos. 43306 of 2016 Mr.R.Singharavelan, S.C.,
for and 786 & 2195 of 2017
Mrs.R.Srividhya for R2

For Respondents in : Mr.R.Singharavelan, S.C., for
W.P.No. 2253 of 2017 Mrs.R.Srividhya for R1
Mr.S.R.Rajagopal for R2

COMMON ORDER

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

Considering the commonality involved in these writ petitions, they have been taken up together and disposed of by way of common order.

2. All these petitioners suffered adverse orders at the hands of the Special Disciplinary Committee Constituted by the Bar Council of Karnataka, Bangalore. Challenging the same, they have preferred statutory appeals before the Bar Council of India. Pending appeals, they have filed interim applications to suspend the punishment suffered. As the said applications have not been taken up and disposed of on merits, these writ petitions have been filed.

3. On a query, the learned counsel appearing for the Bar Council of India submits that the applications would be disposed of within a reasonable time.

4. The learned counsel appearing for the petitioners submits that the petitioners are suffering from punishment for quite some time. They have also suffered orders of suspension before the punishment.

5. Learned counsel appearing for the Bar Council of Tamil Nadu raised the issue of territorial jurisdiction. We are afraid that such submission does not merit acceptance for two reasons. Firstly, the Bar Council of Tamil Nadu is only a

proforma party as the relief is sought for against the Bar Council of India. Secondly, all the petitioners are practising Lawyers within the territorial jurisdiction of this Court and so is the alleged misconduct. Thus, Article 226(2) of the Constitution of India would also govern such cases. Furthermore, the learned counsel appearing for the Bar Council of India does not have any serious objection for the grant of the prayer as the petitioners merely seek to pass appropriate orders on the interlocutory applications pending the main appeals. Hence, the objection raised is rejected.

6. Considering the submissions made and taking note of the scope and ambit of Section 40 of the Advocates Act, 1961, 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 applications on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7. These writ petitions stand disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

raa

To

1.The Secretary,
Bar Council of India,
21,Rouse Avenue, New Delhi, institutional area
Near Bal Bhawan New Delhi 110 002

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

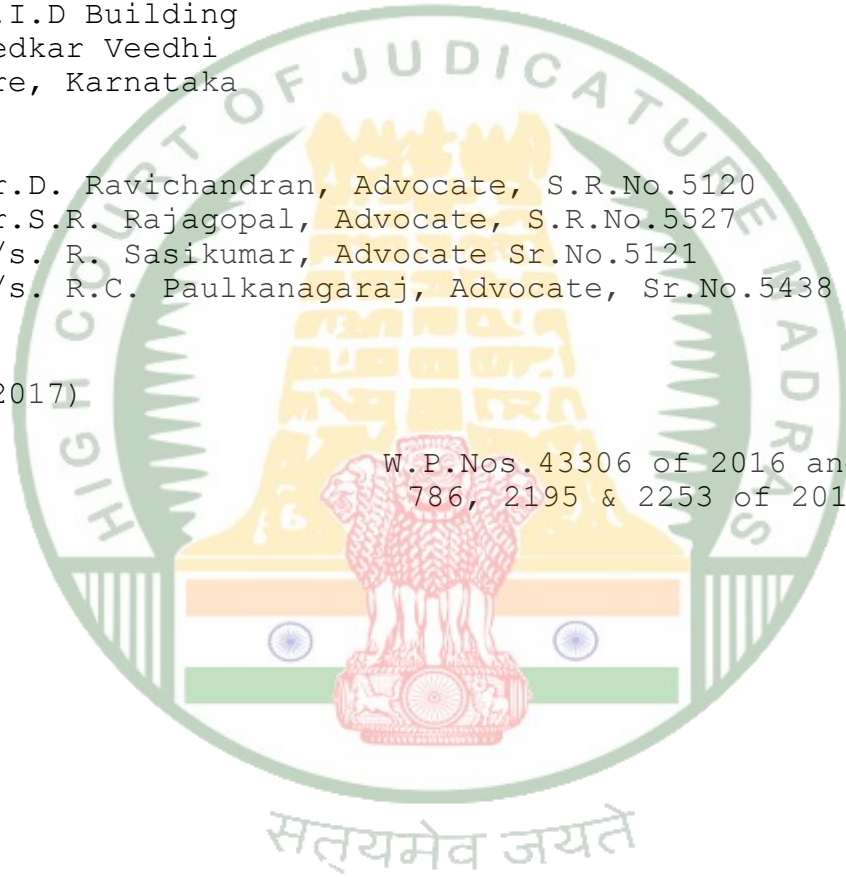
3.The Registrar,
The Special Disciplinary Committee constituted
by the Bar Council of India,
Karnataka State Bar Council,
Bangalore.

4 The Secretary
Bar Council of Karnataka
(Special Disciplinary Committee)
Old K.G.I.D Building
Dr. Ambedkar Veedhi
Bangalore, Karnataka

+2cc to Mr.D. Ravichandran, Advocate, S.R.No.5120
+1cc to Mr.S.R. Rajagopal, Advocate, S.R.No.5527
+1cc to M/s. R. Sasikumar, Advocate Sr.No.5121
+1cc to M/s. R.C. Paulkanagaraj, Advocate, Sr.No.5438

rp(CO)
md(01/02/2017)

W.P.Nos.43306 of 2016 and
786, 2195 & 2253 of 2017



WEB COPY