

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.32351 of 2014 and
W.P.No.12699 of 2017 and
W.M.P.No.13523 of 2017

1.K.Rajaraman ..Petitioner in W.P.No.32351 of 2014
2.Thirugnanam ..Petitioner in W.P.No.12699 of 2017

Vs

1.The District and Sessions Judge,
Nagapattinam District,
Nagapattinam (Competent authority).

2.K.Thirugnanam

3.The President/Secretary,
Sirkali District Munsif Court
Bar Association,
Sirkali 609 110. ..Respondents in W.P.No.32351 of 2014

The District and Sessions Judge,
Nagapattinam District. ...Respondent in W.P.No.12699 of 2017

PRAYER in W.P.No.32351 of 2014 : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent, the competent authority under the Advocate Clerks Rules, 1988 to conduct an enquiry into the matter following the complaint dated 09.05.2013 against the 2nd respondent submitted by the erstwhile President and Secretary of the Bar Association, Sirkazhi.

PRAYER in W.P.No.12699 of 2017 : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records of the respondent in D.No.457, dated 12.05.2017 of the order dated 05.05.2017, cancelling the registration No.08 of 2017 as advocate clerk, quash the same.

In W.P.No.32351 of 2014

For Petitioner : Mr.S.Sadasharam

For Respondents: Mr.A.Asubathanman for R2

: R1-Court

: No appearance for R3

In W.P.No.12699 of 2017

For Petitioner : Mr.M.L.Ramesh
For Respondent : Court

C O M M O N O R D E R

The petitioners have come up with these writ petitions seeking a direction to the first respondent, the competent authority under the Advocate Clerks Rules, 1988 to conduct an enquiry into the matter following the complaint dated 09.05.2013 against the 2nd respondent submitted by the erstwhile President and Secretary of the Bar Association, Sirkazhi and to call for the records of the respondent in D.No.457, dated 12.05.2017 of the order dated 05.05.2017, cancelling the registration No.08 of 2017 as advocate clerk and quash the same.

2. Allegating certain professional misconduct, the petitioner made a representation against the second respondent to the first respondent. The said representation was not considered and hence, the petitioner filed a writ petition in W.P.No.32351 of 2014. The writ petition is pending till date. In the meanwhile, citing the pendency of W.P.32351 of 2014, The District and Sessions Judge, Nagapattinam, the respondent in W.P.No.12699 of 2017, passed the impugned order without assigning any reason, which is challenged in W.P.No.12699 of 2017.

3. The specific case of the petitioner in W.P.No.12699 of 2017 is that the respondent referred the W.P.No.32351 of 2014 and directed the District Munsif, Sirkazhi to get back the registration certificate of the petitioner in W.P.No.12699 of 2017 and such order came to be passed without conducting any enquiry and without providing any opportunity to the petitioner.

4. Considering the facts and circumstances of the case and perusing the materials placed before this Court, it is apparent that the order dated 05.05.2017, which is impugned in W.P.No.12699 of 2017, came to be passed without adducing any reasons, simply proceeded to cancel the registration certificate of the petitioner in Registration No.8 of 2017 and directed the District Munsif, Sirkazhi to collect back the same and produce before the District and Sessions Judge, Nagapattinam, the respondent in W.P.No.12699 of 2017. Such an exercise cannot be countenanced which violates the principles of natural justice and therefore, the impugned order dated 05.05.2017 is set aside and the matter is remitted to the first respondent for passing appropriate orders after affording due opportunity of hearing to the petitioner as well as the petitioner in W.P.No.32351 of 2014 who challenged the registration. Such an exercise shall be

completed within a period of six weeks from the date of receipt of a copy of this order.

5. Accordingly, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gsk

To

1.The District and Sessions Judge,
Nagapattinam District,
Nagapattinam (Competent authority).

2.The President/Secretary,
Sirkali District Munsif Court
Bar Association, Sirkali 609 110.

Copy to:The District Munsif, Sirkazhi.

+ 1 cc to R. S. Sadasharam, Advocate Sr.60719
+ 2 ccs to Mr. M.L. Ramesh, Advocate Sr.60800

W.P.No.32351 of 2014 and
W.P.No.12699 of 2017

VGI (CO)
EU(27/09/2018)

WEB COPY