



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**
AND
THE HONOURABLE MR.JUSTICE **N.SATHISH KUMAR**

W.P. [MD] .No.2322 of 2018
and
W.M.P. (MD) .Nos.2521, 2522 and 3849 of 2018

Veera Subramanian : Petitioner
Vs.

1. The Bar Council of India,
Represented through its Secretary,
Shri Srimonto Sen,
No.21, Deen Dayal Upadhaya Marg,
L.N.J.P.Colony, Delhi Gate,
New Delhi 110 002.

2. Shanmuganathan : Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the impugned order in the removal proceedings No.5/2013, dated 27.08.2017, passed by the respondents authority and quash the same.

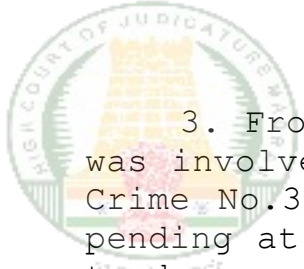
For petitioner : Mr.N.S.Ponnaiah
For respondent No.1 : Mr.Niranjan S.Kumar
For Respondent No.2 : Mr.RM.Arun Swaminathan
For Mr.So.Paramasivam

O R D E R

[Order of the Court was made by **M.M.SUNDRESH, J.**]

This Writ Petition has been filed challenging the decision of the Bar Council of India on a reference made, pursuant to the order passed by this Court.

2. The impugned order was passed on the ground that mere pendency of criminal case could never be a bar. Incidentally, it has been stated that insofar as the other cases are concerned, a separate provision of law exists and therefore, separate action can be taken by the petitioner.



3. From the records, we find that the second respondent herein was involved in at least 16 cases, though acquitted, except one in Crime No.35 of 1997. Apart from the above, another case was also pending at the relevant point of time, in which he was also stated to be acquitted thereafter. He was also included in the rowdy sheet maintained by the Superintendent of Police, Ramanathapuram. However, it appears that there is no such history sheet maintained as of now.

4. We find on a perusal of the records, which are not in dispute that the second respondent in column No.13(a) of his application has made an entry as "no". This column reads as follows:-

"13(a) Have you ever been convicted previously by any Court in India?. If so, give details.

No".

5. Secondly, in column No.14, he has answered as follows:-

"14. Have you been adjusted insolvent by any Court?. If so give particulars.

Yes."

5. Though the issue raised before the first respondent was different, we are of the view that having perused the records, an adjudication ought to have been made. Therefore, without disturbing the findings rendered in the impugned order, we direct the first respondent to initiate further action against the second respondent with reference to column No.13-a of his application. Needful will have to be done within a period of eight weeks from the date of receipt of a copy of this order.

6. The Writ Petition stands disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-I)

To

The Secretary,
The Bar Council of India,
Shri Srimonto Sen,
No.21, Deen Dayal Upadhaya Marg,
Is. 200, T. Nagar, New Delhi, Delhi Gate,
New Delhi 110 002.



+1cc to Mr.N.S.Ponnaiah, Advocate Sr.No.83611
+1cc to Mr.Niranjana S.Kumar, Advocate Sr.No.83231
+1cc to Mr.So.Paramasivam, Advocate Sr.No.83579

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**ORDER MADE IN
W.P. [MD] .No.2322 of 2018
10.09.2018**