



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE T.RAJA
and
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P. (MD) No.20848 of 2018

and

W.M.P. (MD) No.18623 of 2018

R.Senthil Kumar

... Petitioner

Vs.

1. The Bar Council of India,
Rep. by its Secretary,
21, Rouse Avenue Institutional Area,
Near Bal Bhawan,
New Delhi - 110 002.

2. The Bar Council of Tamil Nadu and Puducherry,
Rep. by its Secretary,
High Court Campus,
Chennai - 104.

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondent No.2 to keep the order in D.C.C.No.17 of 2017, dated 16.08.2018 and consequent order in Confl.No.2394/18, dated 17.09.2018 in abeyance till the completion of 60 days of limitation as prescribed under Section 37 of the Advocates Act, 1961.

For Petitioner : Mr.T.Lajapathi Roy
For Respondent 2 : Mr.Niranjan S.Kumar

ORDER

(Order of the Court was made by T.RAJA, J.)

This Writ Petition is filed by Mr.R.Senthil Kumar seeking Writ of Mandamus to direct the second respondent to keep the order in D.C.C.No.17 of 2017, dated 16.08.2018 and consequent order in Confl.No.2394/18, dated 17.09.2018 in abeyance till the completion



of 60 days of limitation as prescribed under Section 37 of the Advocates Act, 1961.

2. Heard the learned Counsel appearing for the petitioner and Mr. Niranjan S. Kumar, learned Counsel, who took notice for the second respondent.

3. The petitioner was originally practising as an Advocate before the Principal District Court at Kanyakumari. Subsequently, on the basis of the complaint given by one Mr. N. Manivannan, Superintendent of Police, which has been registered as a case in Crime No. 119 of 2015 on the file of the Kottar Police Station alleging that the petitioner had assaulted a Head Constable on 13.02.2015 and another case in Crime No. 275 of 2015 before the same Kottar Police Station with the allegation that he had assaulted an Inspector of Police on 20.04.2015, action was taken against him and finally the Disciplinary Committee of the Bar Council of Tamil Nadu and Puducherry, Chennai, passed an order restraining him from practising as Advocate in any Court of law including the judicial and quasi-judicial forum throughout the country for a period of two years vide order dated 16.08.2018. As against the same, the petitioner has got a right of appeal under Section 37 of the Advocates Act, 1961, before the Bar Council of India.

4. As the petitioner has to prefer an appeal against the order passed against him by the Disciplinary committee of Bar Council of Tamil Nadu and Puducherry, the petitioner has to work out his remedy by approaching the Bar Council of India under Section 37 and move an application under Section 45 of the Act. Leaving the course unutilised, the petitioner cannot come to this Court straight away, hence, the Writ Petition fails and accordingly, the same is dismissed. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Secretary
Bar Council of India,
21, Rouse Avenue Institutional Area,
New Delhi - 110 002.



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

+ 1 CC TO Mr.T.LAJAPTHI ROY, ADVOCATE IN SR No. 88754
+ 1 CC TO Mr.NIRANJAN S.KUMAR, ADVOCATE IN SR No. 88657

SRM

TE/RP/SAR-4 : 26/10/2018 : 3P/5C

W.P. (MD) No.20848 of 2018
04.10.2018