

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN
W.P.No.2415 of 2019

and

W.M.P.No.2663 and 2664 of 2018

V.Madhesh,
Advocate, Ms.2793 of 2011,
Son of Thiru.C.Venkattan,
Residing at 120, Anna Nagar,
Brindavanam Garden,
Thathampatti,
Salem 14.

Petitioner

Vs.

1.Secretary,
Bar Council of Tamil Nadu and Puducherry,
High Court Buildings,
Chennai 104.

2.Special Committee,
Bar Council of Tamil Nadu,
Represented by its Members,
Mr.R.Singaravelan,
Sr. Advocate,
Mr.N.Chandrasekharan

O/o the Bar Council of Tamil Nadu and Puducherry,
High Court Buildings, Chennai 104.

3.Mr.R.Srinivasan
Advocate,
Bar Association, Salem.

4.Mr.K.Rajasekaran,
Advocate,
Bar Association, Salem.

5.Mr.Balakumar,
Advocate,
Bar Association, Salem.

6.Mr.K.R.R.Aiyappamani,
Advocate,
Secretary,
Bar Association, Salem.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the order of the 2nd respondent dated 19.01.2019 and the consequential order dated 24.01.2019 and quash the same.

For Petitioner : Mr.Gandhi,
Senior counsel
for Mr.R.G.Narendhiran

For Respondents: Mr.J.Pothiraj (for R1 and R2)

O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

The writ petitioner, who is a practising advocate and a member of Salem Bar Association has come before this Court, challenging the order passed by the 2nd respondent/Special Committee, Bar Council of Tamil Nadu dated 19.01.2019 and the consequential order dated 24.01.2019.

2.Heard, Mr.R.Gandhi, learned senior counsel for Mr.R.G.Narendhiran, learned counsel for the petitioner and Mr.J.Pothiraj, learned counsel for respondents 1 and 2.

3.Though many allegations are being raised against each other, this Court is not inclined to look into the same. The 2nd respondent passed an order on 19.01.2019, subjecting the petitioner to the Disciplinary proceedings under Section 35(1) Advocates Act, 1961 and explanation has been called for from the petitioner. Thereafter, the Adhoc committee, which has been appointed by the Special Committee to conduct the election of the Salem Bar Association complained to the Special committee about certain acts of misdeeds or deviant behaviour by the petitioner. After perusing the records, the special committee placed the petitioner under interim suspension as per the Division Bench Judgments of this Court in R.D.Vijay Anand Vs. The Secretary, The Bar Council of Tamil Nadu and Puducherry reported in 2014 (1) CTC 204 and Manikandan Vathan Chettiar v. Bar Council of Tamil Nadu reported in 2015 (6) CTC 460. The said order is being challenged before this Court.

4.The petitioner, who is a practising advocate for eight years appeared before this Court and regretted for his behaviour and he also undertakes not to repeat his misconduct. Since the

allegation against the petitioner is deviant behaviour inside and outside the Bar Association, especially, with the Adhoc Committee Members, who are all respected senior members of the Salem Bar Association, in the interest of justice, this Court passes the following direction:

1.The petitioner is directed to regret for his acts and tender his apology to the Adhoc committee members in person.

2.He shall file an affidavit tendering his apology to the Adhoc committee as well as Bar council by today itself.

3.The order directing the petitioner to surrender the enrollment certificate and ID, need not be precipitated.

4.Based on the affidavit filed by the petitioner, the Special Committee, Bar Council of Tamil Nadu is directed to pass appropriate orders within a period of two days from the date of receipt of a copy of this order.

Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

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

2.Special Committee,
Bar Council of Tamil Nadu,
Represented by its Members,
Mr.R.Singaravelan,
Sr. Advocate,
Mr.N.Chandrasekharan

O/o the Bar Council of Tamil Nadu and Puducherry,
High Court Buildings, Chennai 104.

+1cc to Mr.R.G.Narendhiran , Advocate SR.No. 7323

W.P.No.2415 of 2019

A.SK(13/03/2019)