



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.9539 of 2019

I.Sam Jegan

... Petitioner

-vs-

1.The Hon'ble Registrar General,
Hon'ble High Court of Madras,
High Court Buildings,
Chennai - 600 104.

2.The Hon'ble Additional Registrar General,
Hon'ble Madurai Bench of Madras
High Court,
High Court Buildings,
Madurai - 600 023.

3.The secretary,
Bar Council of Tamil Nadu & Puducherry,
High Court Campus, Chennai - 600 104.

4.The Advocate Association-Kodaikanal
Reg.No.19/2015
representing through the Secretary,
Court Buildings, Anandagiri 4th Street,
Kodaikanal, Dindigul District.

... Respondents

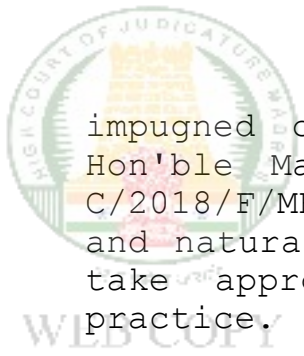
PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned communication of the Assistant Registrar, Admin (II), Hon'ble Madurai Bench of Madras High Court in R.O.C.No.13413-C/2018/F/MB dated 16.04.2018 and set aside the same as against law and natural justice and consequently to direct the respondents to take appropriate action to ensure the petitioner's peaceful practice.

For Petitioner : Mr.R.Shankar Ganesh

For Respondents : Mr.Pala.Ramasamy, for RR1 and 2

O R D E R

[Order of the Court was made by S.S.SUNDAR, J.]



impugned communication of the Assistant Registrar, Admin (II), Hon'ble Madurai Bench of Madras High Court in R.O.C.No.13413-C/2018/F/MB dated 16.04.2018 and set aside the same as against law and natural justice and consequently to direct the respondents to take appropriate action to ensure the petitioner's peaceful practice.

2.The petitioner has grievance against the resolution passed by the Bar Association of Kodaikanal. As per the resolution of the Bar Association of Kodaikanal dated 06.07.2017, a decision has been taken by the Bar Association of Kodaikanal to the effect that in the cases, in which the petitioner appears before the District Munsif Court, Kodaikanal, the Advocates should file transfer original petition to transfer those cases to some other Court. Pursuant to the same, the petitioner has submitted a representation to the Registrar General to take steps to hold due enquiry to control the group of advocates under the banner of Advocates Association of Annasalai, Kodaikanal from threatening the Judicial Officers of Kodaikanal by way of unwarranted resolutions, boycotts and other evil steps. In response to that representation, the impugned communication has been issued to the petitioner stating that the request of the petitioner cannot be entertained on the administrative side of Madurai Bench of Madras High Court and that the petitioner can approach the Chairman, Bar Council of Tamil Nadu, Chennai in this regard.

3.Earlier, similar writ petition was filed by the petitioner in W.P.(MD) No.44789 of 2016 before this Court. The prayer in the said writ petition was seeking a writ of mandamus, directing the first respondent therein to dispose of the representation dated 11.04.2016 of the petitioner by holding an enquiry as per law. This Court, after hearing the petitioner, dismissed the writ petition. The relevant portion of the said order reads as follows:

"We are not inclined to entertain this writ petition. Unless and until there is a statutory duty imposed upon the respondents to look into the complaint made, a writ of mandamus would not lie. If the petitioner has got any grievance against the local bar, which has passed the resolution, he has to work out the remedy in the manner known to law, provided there is a civil wrong inflicted on him. Furthermore, the local bar has also not been added as party respondent in this writ petition. The resolution per se will not give any cause of action to file a writ petition. Accordingly, the writ petition is dismissed. No costs."

4.The reasoning of this Court given in the earlier writ petition is applicable to the present situation, where, the Registry has no statutory obligation to consider the



representation of the petitioner to take action against a Bar Association. The petitioner has also highlighted the position that the Judicial Officer has been accused unnecessarily by the Bar Association. If the Judicial Officer gives a complaint in this regard, that will be looked into by the Administrative side of this Court. Having regard to the fact that a resolution has been passed by the Bar Association, the Registry may forward the papers to the Hon'ble Judges, who are holding Portfolio to take appropriate action on the administrative side.

5. With the above direction, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (AE)

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Sub Assistant Registrar (CS)

TO

1. The Hon'ble Registrar General,
Hon'ble High Court of Madras,
High Court Buildings,
Chennai - 600 104.
2. The Hon'ble Additional Registrar General,
Hon'ble Madurai Bench of Madras
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Court Buildings, Anandagiri 4th Street,
Kodaikanal, Dindigul District.

+1 CC to M/s.PALA.RAMASAMY, Advocate (SR-61939[F] dated 23/04/2019)

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W.P. (MD) No. 9539 of 2019

22.04.2019