



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**
and
THE HONOURABLE MRS.JUSTICE **R.THARANI**

W.P. (MD)No.17005 of 2019
and
W.M.P. (MD)No.13567 of 2019

S.Vigneshwaran

... Petitioner

Vs

1.The Chairman,
Bar Council of Tamil Nadu and Pondicherry,
Madras High Court Building,
Chennai.

2.The Secretary,
Bar Council of Tamil Nadu and Pondicherry,
Madras High Court Building,
Chennai.

3.The Inspector of Police,
Kollidam police station,
Kollidam,
Trichy District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent No.2 to enroll the petitioner as an Advocate in the Roll of Bar Council of Tamil Nadu within the time frame as fixed by this Court.

For Petitioner : Mr.D.S.Haroon Rasheed

For R1 and R2 : Mr.Niranjana S.Kumar

For R3 : Mr.A.K.Baskara Pandian,
Special Government Pleader



ORDER

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

This writ petition has been filed by Mr.Vigneshwaran, praying for issuance of Writ of Mandamus to direct the second respondent, the Bar Council of Tamilnadu and Pondicherry to enroll him as an advocate on the roll of Bar Council of Tamilnadu.

2.The matter concerning the enrollment of the petitioner, is now pending consideration before the enrollment committee of the Bar Council of Tamilnadu and Pondicherry and enrollment is not being permitted on account of a criminal case being registered against the petitioner in Crime No.364 of 2015 dated 12.08.2015 on the file of the Kollidam Police Station, Trichy District.

3.The learned counsel for the petitioner submitted that the criminal case was disclosed by the petitioner in the application filed for enrollment. Further, it is contended that mere registering of a First Information Report, without culminating into a final report cannot be a reason to deny enrollment to the petitioner. The learned counsel has referred to a decision of the Hon'ble Division Bench of this Court in the case of *K.Dhanapal Vs. The Bar Council of India and others* in *W.P.No.40753 of 2016* dated 10.02.2017, wherein the Bar Council themselves took into consideration that the offence punishable stood modified to that of Section 506(i) IPC from Section 506(ii) IPC and in the said case, the petitioner was enrolled in the Bar Council of Tamilnadu.

4.Since, the matter is not seized of by the enrollment committee of Bar Council of Tamilnadu and Pondicherry, we direct the said enrollment committee to take into consideration the petitioner's application and take a decision in the matter as expeditiously as possible preferably within a period of three weeks from the date of receipt of a copy of this order. The earlier decision on the point referred to by the learned counsel for the petitioner, we have taken note of.

5.Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)



To

The Inspector of Police,
Kollidam police station,
Kollidam,
Trichy District.

+1 CC to M/s.D.S. HAROON RASHEED, Advocate (SR-101457[F] 26/11/2019)

+1 CC to M/s.NIRAJAN.S. KUMAR, Advocate (SR-101828[F] 27/11/2019)

W.P. (MD) No.17005 of 2019

and

W.M.P. (MD) No.13567 of 2019

26.11.2019

pnn

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