

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2020

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P.No.5888 of 2020

and

WMP.No.6897 of 2020

K.Venugopal

.... Petitioner

Vs.

1. The Bar Council of Tamilnadu and Puducherry,
Rep. by its Secretary,
High Court Buildings, Chennai - 104.

2. R.Dharmalingam

3. D.Parameshwari

4. D.Nandhini

5. D.Sampath

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari calling for the records pertaining to the impugned order dated 25.01.2020 passed in I.A.No.42 of 2019 in D.C.C.No.107 of 2019 by the 1st respondent and quash the same as illegal.

For Petitioner : Dr.C.Ravichandran

For Respondent

No.1 : Mr.C.K.Chandrasekaran

O R D E R

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

The writ petition has been filed against the order passed by the 1st respondent dated 25.01.2020 in I.A.No.42 of 2019, which is an impleading petition filed to implead respondents 3 to 5

herein as co-complainants in the disciplinary proceedings initiated in D.C.C. No. 107 of 2019 by the 1st respondent herein.

2. Heard Dr.C. Ravichandran, learned counsel for the petitioner and Mr.C.K. Chandrasekaran, learned counsel for the 1st respondent.

3. It is evident from the records that the 2nd respondent Dharmalingam filed a complaint against the petitioner and the 3rd respondent alleging professional misconduct. In the meanwhile, respondents 3 to 5 had also entrusted the conduct of two suits to the petitioner and the 3rd respondent and the said suits came to be dismissed for default. Aggrieved over the same, instead of filing a separate complaint, respondents 3 to 5 herein filed an impleading petition in I.A. No. 42 of 2019 to implead themselves as co-complainants in D.C.C. No. 107 of 2019. The said petition was allowed by the impugned order against which the present writ petition has been filed.

4. Instead of driving the parties to file a separate complaint, the Bar Council of Tamil Nadu and Puducherry allowed the impleading petition enabling the proposed parties to be transposed as complainants along with the original complainant, who is the husband of the 3rd respondent and father of respondents 4 and 5. Therefore, the Bar Council of Tamil Nadu and Puducherry is justified in allowing the impleading petition.

5. Moreover, as against the order passed by the Bar Council of Tamil Nadu and Puducherry/1st respondent, a revision alone is maintainable under Section 48A of the Advocates Act, 1961 before the Bar Council of India. When an alternate remedy is available, a writ petition cannot be maintained. In any event, there is no illegality in the order passed by the 1st respondent/Bar Council of Tamil Nadu and Puducherry. Therefore, the writ petition is liable to be dismissed and the same is accordingly dismissed.

6. However, it is made clear that amendment has to be carried out to the complaint and reasonable opportunity should be given to the petitioner herein to file additional counter statement. No costs. Connected W.M.P. is closed.

Sd/-
Assistant Registrar

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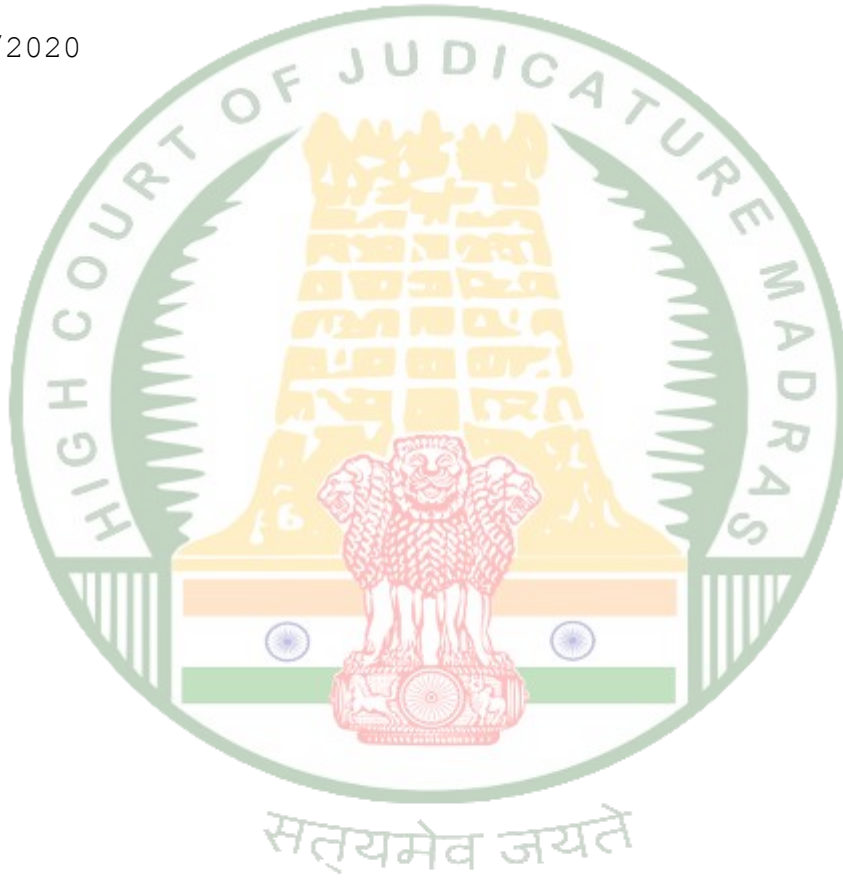
Sub Assistant Registrar

To

The Secretary,
Bar Council of Tamilnadu and Puducherry,
High Court Buildings, Chennai - 104.

W.P.No.5888 of 2020

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srg 24/09/2020



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