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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.Nos.1749 and 714 of 2020

W.P.No.1749 of 2020

R.Subramanian

...Petitioner

Vs

The Registrar General
Madras High Court, Chennai

...Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration declaring the Madras High Court (Conduct of Proceedings by Party-In-Persons) Rules 2019 as illegal and ultra vires and consequently strike down the same.

For Petitioner : Mr.R.Subramanian,
Party-in-person

For Respondents : Mr.B.Vijay

W.P.No.714 of 2020

V.B.R.Menon

...Petitioner

Vs

1.The Registrar General
Madras High Court, Chennai

2.Madras Bar Association,
High Court Building, Chennai 104
rep. By its President
(R-2 impleaded as per order
dated 20.1.20 in WMP 4447/2020)

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the



records of the Madras High Court (Conduct of Proceedings by Party-In-Persons) Rules 2019 and quash the same.

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For Petitioner : Mr.V.B.R.Menon,
Party-in-person

For Respondents : Mr.B.Vijay
for first respondent

Mr.AR.L.Sundaresan,
Senior Counsel
for Ms.AL.Ganthimathi,
for second respondent

COMMON ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

These two petitions pertain to the High Court of Madras (Conduct of Proceedings by Party-in-Person) Rules, 2019.

2. The principal grievance, which has been canvassed in both the petitions is that when a public cause is sought to be espoused by advocate, who otherwise has authority to appear before the Court, the need for advocate to appear before the committee and obtain prior permission may not be appropriate. The further ground urged in one of the matters is that once any person is accorded permission by the relevant committee of this Court, for subsequent matters of public interest brought to the notice of this Court, the same person should not be required to obtain further permission.

3. As far as the principal ground, which is common to both the petitions, is concerned, the same has been addressed upon the publication of an amendment dated June 19, 2021 in the Tamil Nadu Government Gazette on July 7, 2021 to the following effect:

"Provided that whenever an Advocate whose name is entered on the Rolls of any State Bar Council maintained under the Advocates Act, 1961 (25 of 1961), wants to appear and argue a case in person he or she shall be exempted from the requirement of filing an application, under these Rules, seeking permission to appear in person".

4. As to the additional ground canvassed in one of the petitions, the same is clearly exceptionable. Though the brief of the relevant committee can be said to be limited to considering the person and as to whether it is desirable to allow such person to appear in person, when the person is not an



advocate otherwise entitled to address Court, it is also the nature of the matter and the nexus of the petitioner therewith that has to be incidentally kept in mind while deciding the issue. That is not to say that the committee exercises the judicial authority to adjudicate whether any element of public interest is involved or whether it is desirable to take up the matter for consideration - that is a purely judicial exercise which has to be conducted by the relevant Bench - but the desirability of the person seeking to appear in person and his ability to present the matter which is sought to be brought to the notice of the Court is also a relevant consideration before the Committee. Say, for instance a matter of rocket science is the subject-matter of a public interest litigation sought to be carried forward by a person who may have no knowledge in such regard.

5. Accordingly, the additional objection canvassed to the effect that once a person is accorded permission, he should not require permission in any further case that he wishes to pursue in person does not appeal. It may also be noted in this context that a further consideration that may be taken into account by the relevant committee is the actual performance of the person in a previous matter. If the person who had obtained previous permission to pursue a matter in person had misbehaved in Court or had conducted the matter unbecoming of a person presenting a matter in Court or without adhering to a level of dignity or formality with which matters are to be conducted in Court, it would be a relevant consideration before according further permission to the same person to pursue a matter in person.

6. W.P.Nos.1749 and 714 of 2020 are disposed of. W.M.P.Nos.4447, 2028, 861 and 860 of 2020 are closed. There will be no order as to costs.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To:

1. The Registrar General
Madras High Court, Chennai



2. The President,
Madras Bar Association,
High Court Building,
Chennai 104

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Copy to:-

1. The Section Officer
F section High Court Madras.
2. The Section Officer
Legal Cell High Court Madras.

+2 ccs to Mr.V.B.R.Menon, Advocate SR.No.41944

W.P.Nos.1749 and 714 of 2020

MG(CO)
CT(27/08/2021)
(15/09/2021)