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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P.NO.10655 OF 2021
AND
W.M.P.NO.11263 OF 2021

S.P.Ramasamy,
S/o.Palaniappa Gounder,
New No.3/29A, Old No.3/124, Vadakku Kadu
Pattanam Muniappampalayam Village,
Rasipuram Taluk,
Namakkal District.

... Petitioner

Vs

1. The Bar Council of Tamil Nadu,
Rep. by its Secretary,
High Court Campus,
Chennai 600 104.
2. The Registrar,
Disciplinary Committee,
The Bar Council of Tamil Nadu,
High Court Campus, Chennai 104.
3. K.R.Rajkumar,
S/o.Ramasamygounder,
D.No.1/72-A, Aayeepalayam,
Athanur Post, Rasipuram Taluk,
Namakkal District.
4. J.Ganasakthi Jagadeesan,
W/o.Jagadeesan,
D.No.8/31, Atthanurpudur,
Athanur Post, Rasipuram Taluk,
Namakkal District.
5. S.R.Rathinamala,
W/o.K.R.Rajkumar,
D.No.1/72-A, Aayeepalayam,
Athanur Post, Rasipuram Taluk,
Namakkal District.



6. The Superintendent of Police,
Office of the Superintend of Police,
Namakkal (District)

7. The Deputy Superintend of Police,
Office of the Deputy Superintend of Police,
Rasipuram Taluk, Namakkal (District)

8. The Inspector of Police,
Office of the Inspector of Police,
Namagiripettai Police Station,
Rasipuram Taluk,
Namakkal (District)

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 1 and 2 to dispose the complaint No.12 of 2021 dated 01.03.2021 made by the Petitioner within a reasonable time.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.C.K.Chandrasekaran
Standing counsel (for R1 & R2)

ORDER

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

The Petition has been filed by the Petitioner seeking direction to Respondents 1 and 2 to dispose of the complaint No.12 of 2021 dated 01.03.2021 made by the Petitioner.

2. It is a specific case of the Petitioner that he engaged the 3rd Respondent for defending a suit, which was filed against him. The 3rd Respondent fraudulently induced the Petitioner to execute a sale deed, in his wife's and sister's name viz., 4th and 5th Respondents herein. However, though the sale deeds have been executed in favour of 4th and 5th respondents, at the instance of the 3rd respondent, the possession of the property remains only with the Petitioner. Knowing the fraud committed by the 3rd Respondent, the Petitioner has given a complaint before the Bar Council of Tamil Nadu, which has been registered as complaint No.12/2021 on 01.03.2021.

3. Heard Mr.M.Gnanasekar, learned counsel appearing on behalf of the Petitioner and Mr.C.K.Chandrasekaran, learned



Standing counsel appearing on behalf of Respondents 1 & 2.

4. It is represented by Mr.C.K.Chandrasekaran, learned standing counsel appearing on behalf of 1st & 2nd Respondents that on the complaint of the Petitioner, notice was ordered, after notice the 3rd Respondent has also filed his counter statement. Now the complaint is pending before the Scrutiny Committee of the Bar Council of Tamil Nadu and if the Scrutiny Committee found that the case is made out, then the complaint will be referred to General Council of the Bar Council. Thereafter, the General Council of the Bar Council will take a decision regarding, referring the matter to the Disciplinary Committee.

5. In view of the above said submissions made by the learned counsel appearing on both side, this Court directs Respondents 1 and 2 to complete the process at the earliest.

6. With the above, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
The Bar Council of Tamil Nadu,
High Court Campus,
Chennai 600 104.
2. The Registrar,
Disciplinary Committee,
The Bar Council of Tamil Nadu,
High Court Campus,
Chennai 104.
3. The Superintendent of Police,
Office of the Superintend of Police,
Namakkal (District).
4. The Deputy Superintend of Police,
Office of the Deputy Superintend of Police,
Rasipuram Taluk, Namakkal (District).



5. The Inspector of Police,
Office of the Inspector of Police,
Namagiripettai Police Station,
Rasipuram Taluk,
Namakkal (District).

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+1cc to Mr.M.Gnanasekar, Advocate, S.R.No.31124

W.P.NO.10655 OF 2021

SKY (CO)
PBS/03/08/2021