



C.R.P(PD)No.2125 of 2021  
and CMP.No.16145 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

**C.R.P(PD)No. 2125 of 2021**

**and**

**CMP.No.16145 of 2021**

The Bar Council of Tamilnadu and Puducherry,  
Rep. By its Secretary, High Court Building,  
Chennai – 600 104.

..Petitioner

Vs.

1.V.K.Sethukumar  
2.D.Selvam  
3.K.Rangathan  
4.E.T.Rajendran @ E.T.Rasentheran  
5.K.Rajarajan  
6.N.Sampath  
7.T.Mahesh Kumr Bhandari

..Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, seeking to strike off the OS.No.5174 of 2020 on the file of the V-Additional Judge, City Civil Court, Chennai as not maintainable.

For Petitioner : Mr.C.K.Chandrasekar

For Respondents : Mr.T.Mohan for

Mr.L.Margret and Mr.K.Sukumar



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### **ORDER**

The challenge in this revision is to the entertaining of a suit in OS.No.5174 of 2020 by the Bar Council Tamilnadu and Puducherry.

2.The said suit has been initiated by the 1<sup>st</sup> respondent herein seeking damages of a sum of Rs.50,00,000/- from the Chairman and Members of the Bar Council of Tamilnadu and Puducherry for having taken disciplinary action and imposing punishment of reprimand on him. It is also seen that the order of the Disciplinary Committee of the Bar Council of Tamilnadu and Puducherry was set aside by the Disciplinary Committee of the Bar Council of India on 29.11.2014.

3.Contending that the order passed by the Disciplinary Committee of the Bar Council of Tamilnadu and Puducherry reprimanding him, caused loss of reputation & damages to him, the 1<sup>st</sup> respondent launched the above suit. The Bar Council of Tamilnadu and Puducherry is before me invoking the supervisory jurisdiction under Article 227 of the Constitution of India seeking rejection of the plaint.



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4.I have heard Mr.C.K.Chandrasekar, learned counsel appearing for the Bar Council of Tamilnadu and Puducherry.

5.Mr.C.K.Chandrasekar would submit that Section 48 of the Advocates' Act, 1961 bars Civil Courts from entertaining suits regarding action taken under the said Act. He would further contend that the Doctrine of Merger would also apply because the order of the Bar Council of Tamilnadu and Puducherry was reversed by the Disciplinary Committee of the Bar Council of India relying upon **S.S.Rathore Vs. State of Madhya Pradesh** reported in **1989 (4) SCC 582**. I do not think, I can entertain the revision filed under Article 227, when a specific remedy under Order VII Rule 11 of C.P.C is available. Order VII Rule 11(d) empowers a Civil Court to reject the plaint, if it finds that a suit is barred under any law. It is open to the Bar Council of Tamilnadu and Puducherry to petition the District Court, seeking rejection of the plaint under Order VII Rule 11 citing the same bar that is now invoked before me.



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6.The Hon'ble Supreme Court in **Virudhunagar Hindu Nadargal Dharma Paribalana Sabai & Others Vs. Tuticorin Educational Society & Others** reported in **2019 (9) SCC 538** has held that the High Court will not, as a matter of discipline and prudence, exercise the power of superintendence under Article 227 of the Constitution of India, when a remedy is available under the Code of Civil Procedure before the appropriate Civil Court forum.

7.In view of the law laid down by the Hon'ble Supreme Court in the said judgment, I do not think, this revision could be entertained. This civil revision petition is therefore, dismissed. Reserving the right of the petitioner to raise all issues before the Trial Court. No costs. Consequently, connected miscellaneous petition is closed.

**23.11.2021**

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To:-

- 1.The Bar Council of Tamilnadu and Puducherry,  
Rep. By its Secretary, High Court Building,  
Chennai – 600 104.
- 2.The V-Additional City Civil Court,  
Chennai.



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**R.SUBRAMANIAN, J.**

KKN

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