



W.P(MD)No.10484 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 22.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P(MD)No.10484 of 2013

C.Arun @ Arunachalam

... Petitioner

Vs

1.The Chairman,
Bar Council of Tamil Nadu & Puducherry,
High Court Campus,
Chennai - 600 104.

2.The Inspector of Police,
City Crime Branch,
Madurai City.

3.The Commissioner of Police,
Madurai City, Madurai.

4.The Joint Director and Head,
Chennai Zone,
Central Bureau of Investigation,
3rd Floor, EVK Sampath Building,
College Road, Chennai - 6.

... Respondents

[R.3 *suo-motu* impleaded vide order dated 02.07.2013]

[R.4 impleaded vide order dated 31.07.2013]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Mandamus to transfer the investigation in Crime No.46 of 2013 on the file of the 2nd respondent herein to the 4th respondent.

[Amended vide order dated 31.07.2013]



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For Petitioner : Mr.C.Arun @ Arunachalam
Party-in-person

For Respondents : Mr.Niranjan S.Kumar
for R.1

Mr.S.Ravi,
Standing Counsel for the State
for RR.2, 3

ORDER

The petitioner is a practising Advocate and he filed this writ petition originally for a mandamus directing the respondents to take action based on his complaint dated 06.03.2013. His complaint was subsequently registered by the second respondent Police in Crime No.46 of 2013 and therefore, the prayer was amended as per order dated 31.07.2013 in M.P.(MD)No.2 of 2013 to transfer the investigation in Crime No.46 of 2013, which is pending on the file of the second respondent to the fourth respondent / Central Bureau of Investigation.

2.The case of the petitioner is that one Vivekananda Manithaneya Payirchi College; Mass Tech Technologies; and



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Legal Education Counselling Centre are having fake franchises from fake law colleges in the State of Karnataka and Andhra Pradesh. They are also advertising in the newspapers, receiving fees and also issuing identity cards as college students. Believing their advertisements, several persons, who are not in a position to get a seat from the Tamil Nadu Law Colleges, are falling prey and are getting degrees. In fact, through these fake franchises, the rowdy elements are also getting law degrees. The petitioner, in this regard, has lodged a complaint before the Commissioner of Police, Madurai City, on 06.03.2013 and the same was forwarded to the second respondent Police, who, in turn, has registered a case in Crime No.46 of 2013 for the offence under Section 420 IPC and took up the investigation.

3.The grievance of the petitioner is that the conduct of the accused, under the guise of franchises of certain law colleges, is in violation of the orders of the Hon'ble Supreme Court in **Prof. Yashpal & Another v. State of Chattisgarh** and the orders of the Division Bench of this Court in **S.Sengkodi v. State of Tamil Nadu**.



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4.The second respondent Police has filed a status report that the complaint of the petitioner dated 06.03.2013 preferred before the Commissioner of Police, Madurai City, has been forwarded to him and the investigation has been conducted by the Assistant Commissioner of Police, Central Crime Branch. The case was registered in Crime No.46 of 2013 under Section 420 IPC. They have visited the institutions, namely, Mastech Technologies and examined its proprietor, one Victor Jegan; and one Vivekananda Manithaneya Payirchi College and examined its proprietor, one Santhanam.

5.The status report further reads that the said Victor Jegan, proprietor of Mastech Technologies, gave a statement that he has admitted 15 students in Krishna College, Tumkur, Karnataka and another 15 students at Andhra Pradesh. Similarly, the said Santhanam, proprietor of Vivekananda Manithaneya Payirchi College, gave a statement that he has admitted 38 students in Krishna Educational Society, Tumkur. They have also enquired Krishna College of Tumkur and M.H.College and confirmed that through these persons, who



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have acted as agents, 9 students from Tamil Nadu were admitted in Krishna College and 11 students were admitted in M.H.College. These two colleges were affiliated by the Karnataka State Law University, Hubbli and also approved by the Bar Council of India. They also visited one PSR Colelge at Kakkinada, who submitted that they do not have any agents. The investigation revealed that the said Victor Gegan and Santhanam sent students to other State Law Colleges from various districts in Tamil Nadu. The investigation agency has also filed the final report as against the accused before the learned Judicial Magistrate No.I, Madurai, in C.C.No.80 of 2015.

6.This Court considered the rival submissions and also perused the available materials.

7.The petitioner, a member of the legal fraternity, has lodged a complaint that the students interested in pursuing law are being exploited by the accused under the guise of agents of law colleges in the State of Andhra Pradesh and Karnataka. They issued advertisements in newspapers,



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collected fees, issued identity cards and various other activities that of the affiliated body of those colleges. The fact remains that the Colleges at Andhra Pradesh and Karnataka are not prescribing any upper age limit for the students. Therefore, Students, who want to pursue law, are being exploited by these people claiming to be the agents.

8.As pointed out by the petitioner, with the help of these institutions, even rowdy elements are entering into this profession. Law profession is a noble profession, having a status and dignity in the Society, but this respect is slowly eroding because of some miscreants and unwanted elements. It is the duty of the Bar Council of Tamil Nadu to ensure that the right people are entering into the profession.

9.Insofar as the prayer in this petition is concerned, since the final report has already been filed and also taken cognizance by the learned Judicial Magistrate No.I, Madurai, in C.C.No.80 of 2015, no further order is required to be passed in this petition.



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Accordingly, this writ petition stands disposed of, with a direction to the trial Court to expedite the trial and to conclude the same as expeditiously as possible. There shall be no order as to costs.

Internet : Yes
Index : Yes / No
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To

- 1.The Inspector of Police,
City Crime Branch,
Madurai City.
- 2.The Commissioner of Police,
Madurai City, Madurai.
- 3.The Joint Director and Head,
Chennai Zone,
Central Bureau of Investigation,
3rd Floor, EVK Sampath Building,
College Road, Chennai - 6.
- 4.The Judicial Magistrate No.I,
Madurai.



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B.PUGALENDHI, J.

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