



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2021

CORAM :

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

W.P. (MD) No.5806 of 2020

Vellaichamy ...Petitioner

Vs

- 1.The Secretary,
Bar Council of Tamil Nadu and Pondicherry,
High Court Campus, Chennai - 104.
- 2.The Principal District Judge,
Ramanathapuram District, Ramanathapuram.
- 3.The President,
Ramanathapuram District Court Advocate Association,
District Court Campus, Ramanathapuram.
- 4.Manoranjetham ...Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, to direct the 1st respondent to consider the petitioner's representation dated 22.02.2020 to take necessary steps to hand over the case bundles in MCOP.No.95 of 2016 to him.

For Petitioner : No Appearance

For Respondents : Mr.S.Niranjan Kumar for R1
Mr.K.R.Laxman for R2
Mr.R.Maheswaran for R4

ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

This Writ Petition has been filed, seeking for issuance of a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation, dated 22.02.2020, to take necessary steps to hand over the case bundles in M.C.O.P.No.95 of 2016 to him.

2.Heard Mr.Niranjan S.Kumar, learned Standing Counsel appearing for the first respondent, Mr.K.R.Laxman, learned Standing Counsel for the second respondent and Mr.R.Maheswaran, learned counsel for



the fourth respondent.

3.The petitioner has not appeared before the Court in the earlier occasion. Even today, the petitioner has not appeared. In any event, the complaint of the petitioner is that the fourth respondent, who was engaged by him as counsel, refused to handover the bundle and give change of Vakalat.

4.Pursuant to an earlier direction issued by this Court on 20.03.2020, a report has been submitted by the learned Principal District Judge, Ramanathapuram, dated 06.06.2020. On a perusal of the same, it is seen that the amount, which has been awarded as compensation in M.C.O.P.No.95 of 2010, on the file of the Additional District Judge, Ramanathapuram is lying in the Court deposit.

5.In any event, the grievance of the petitioner is against the fourth respondent. Learned Standing Counsel appearing for the first respondent Bar Council of Tamil Nadu and Ponducherry on instructions submitted that no complaint has been received in the proper format.

6.Considering the facts and circumstances of the case, we direct the first respondent Bar Council to treat the representation given by the petitioner, which is enclosed in the typed set, as complaint, without rejecting it on the ground that it is not in a proper format, issue notice to the petitioner and the fourth respondent, conduct an enquiry and take a reasoned decision on merits and in accordance with law. The above directions will have to be complied with within eight weeks from the date of receipt of a copy of this order.

7.The Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Secretary, Bar Council of Tamil Nadu and Pondicherry,
High Court Campus, Chennai - 104.
- 2.The Principal District Judge,
Ramanathapuram District, Ramanathapuram.

+1 CC to M/s.NIRANJAN S.KUMAR, Advocate (SR-17655[F] dated
27/04/2021)

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26.04.2021

RP (17.05.2021) P 4C