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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2022

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THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE Mrs.JUSTICE S. KANNAMMAL

W.P. No.26282 of 2021

K.Arumugam

.. Petitioner

Vs.

1. The Secretary to Govt.,
Home Department,
Govt. of Tamil Nadu,
Fort St.George,
Chennai - 600 009.

2.The Bar Council of India,
21, Rouse Avenue, Institutional Area,
New Delhi - 110 002.

3.The Bar Council of
Tamil Nadu and Puducherry,
High Court Camputs,
Chennai - 600 104.

4.S.V.Jayaraman and Associates,
No.25, Chitrakulam North Street,
Mylapore, Chennai - 600 004.

.. Respondents

Prayer:

Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) compensation towards general damages caused upon the petitioner on account of their abnormal delay of 12 years arose to dispose the petitioner's complaint and directing the 1st respondent to take action against the police officers for wrongful action and illegal custody against the petitioner.

For Petitioner : Mr.K.Arumugam
Party-in-person.

For Respondent-1 : Mr.V.Manoharan
Additional Government Pleader



For Respondents 2 & 3: Mr.C.K.Chandrasekar,
Standing Counsel

JUDGMENT

[delivered by PUSHPA SATHYANARAYANA, J.]

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The petitioner, who claims to be the proprietor of one M/s.Seetha Industries, has appeared in person before this Court. He has filed the above writ petition for a mandamus, directing the respondents 2 and 3, who are the Bar Council of India and the Bar Council of Tamil Nadu and Puducherry, to pay a sum of Rs.5,00,000/- (Rupees five lakhs only) towards compensation for the delay caused in disposing of his complaint before the Bar Council of Tamil Nadu and Puducherry.

2. It is alleged in the petition that one Athi Sankar, who is an Advocate, filed a criminal complaint against the petitioner with malafide intentions. Pursuant to which, the petitioner was summoned to the police station and he was harassed, insulted and threatened by the police. He has further alleged that he was beaten up by the said Advocate. However, the police did not take any action against the said Advocate. Because of the above mentioned case, his business was also ruined. It is further stated that a suit for damages, was also filed by him on 22.03.1990. Earlier, the petitioner also had filed a Writ Petition in W.P.No.2559 of 1995 before this Court against the Director General of Police and Home Secretary, Government of Tamil Nadu, to get a suitable reply from them for his petition submitted under Section 200 Cr.P.C. He has further alleged that due to misconduct of the counsel, whom he engaged, the matter was kept pending for several years. Therefore, he had given a complaint against the said Advocate on 20.11.2001, as Complaint No.76 of 2001 before the Bar Council of Tamil Nadu and Puducherry. After enquiry on 08.07.2005, by their Resolution No.147 of 2005, the said complaint was dismissed by the Bar Council of Tamil Nadu and Puducherry.

3. Aggrieved by the same, the petitioner preferred an appeal in D.C. Revision Petition No.20 of 2006 before the Disciplinary Committee of the Bar Council of India. The said Revision Petition was also dismissed by the Bar Council of India on 22.07.2018. Not stopping with that, aggrieved by the order passed by the Bar Council of India in R.P.No.20 of 2006 (Typed as R.P.No.46 of 2003) dated 22.07.2018, the petitioner had filed an S.L.P(Civil) Diary No.10520 of 2019 before the Hon'ble Supreme Court of India, which was also dismissed on 13.09.2019. While so, the present Writ Petition is filed, seeking a direction to the respondents 2 and 3 to pay a sum of Rs.5,00,000/- as compensation towards the damages caused



for the abnormal delay of 12 years to dispose of the complaint given by him.

4. The complaint given by the petitioner before the Bar Council of India had already been disposed of on merits on 22.07.2018 in R.P.No.20 of 2006 (Typed as R.P.No.46 of 2003) and attained finality by the order of the Hon'ble Supreme Court of India in S.L.P(Civil) Diary No.(5) 10520 of 2019 dated 13.09.2019. Therefore, there is no complaint and proceedings pending before the Bar Council for this Court to issue any mandamus. If at all, the petitioner is aggrieved and if he feels that he is entitled for a compensation, he has to seek relief only under the common law remedy by filing a civil suit. Therefore, the prayer sought for in this petition, as such, is not maintainable.

5. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

srn

TO

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Tamil Nadu and Puducherry,
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Chennai - 600 104.

+1cc to Mr.K.Arumugam, Advocate, S.R.No.9135
+1cc to the Government Pleader, S.R.No.8981

W.P. No.26282 of 2021

PMK(CO)
CT 03/03/2022