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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MS. JUSTICE R.N.MANJULA

Writ Petition Nos.29861 of 2019, 5778 and 5781 of 2020
and

W.M.P.No.29771 of 2019 in W.P.No.29861 of 2019,
W.M.P.No.6755 of 2020 in W.P.No.5778 of 2020
and W.M.P.No.6759 of 2020 in W.P.No.5781 of 2020

Writ Petition No.29861 of 2019

K.S.Jagannathan (died)

2.K.J.Sumathy
W/o.Late K.S.Jagannathan

3.S.J.Viswanathan
S/o.Late K.S.Jagannathan

4.J.Nithyasree
D/o.Late K.S.Jagannathan
(P2 to P4 substituted as legal representatives
of deceased sole petitioner vide order dated
11.01.2022 made in WMP No.14668/2021
in W.P.No.29861 of 2019)

.. Petitioners

Vs.

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

2.The Secretary,
The Bar Council of Tamil Nadu,
High Court Campus, Chennai - 104.

3.The Disciplinary Committee VI,
The Bar Council of Tamil Nadu,
High Court Campus,
Chennai - 104.

4.P.V.Ravi

5.P.K.Muthusamy



6.K.Rajaram

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to appoint an Independent Committee under Mr.Singaravelan, Senior Advocate in conducting enquiry in D.C.C.No.375 of 2018, D.C.C.No.73 of 2019 and D.C.C.No.74 of 2019 pending on the file of the Disciplinary Committee VI, Bar Council of Tamil Nadu and Puducherry, Chennai, for effective action and monitor the same or in alternate to transfer all complaints D.C.C.No.375 of 2018, D.C.C.No.73 of 2019 and D.C.C.No.74 of 2019 on the file of the Disciplinary Committee VI, Bar Council of Tamil Nadu and Puducherry, Chennai to any other State Bar Council for effective enquiry.

For Petitioners : Mr.A.Ilayaperumal

For Respondents : Mr.M.R.Jothimanian [R1 to R3]
Mr.B.Siddeswaran [R4]
Mr.N.Manokaran [R5]
Mr.R.Radha Pandian [R6]

Writ Petition No.5778 of 2020

K.S.Jagannathan (died)

2.K.J.Sumathy
W/o.Late K.S.Jagannathan

3.S.J.Viswanathan
S/o.Late K.S.Jagannathan

4.J.Nithyasree
D/o.Late K.S.Jagannathan
(P2 to P4 substituted as legal representatives
of deceased sole petitioner vide order dated
11.01.2022 made in WMP No.14670/2021
in W.P.No.5778/2020)

.. Petitioners

Vs.

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

2.The Secretary,
The Bar Council of Tamil Nadu,
High Court Campus,
Chennai - 104.



3.The Disciplinary Committee VI,
The Bar Council of Tamil Nadu,
High Court Campus,
Chennai - 104.

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4.P.V.Ravi

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Prohibition prohibiting the third respondent Committee from proceeding with the interlocutory application and passing any orders in I.A.No.Nil of 2019 in D.C.C.No.375 of 2018 dated 28.09.2019, which was filed by the fourth respondent.

For Petitioners : Mr.A.Ilayaperumal

For Respondents : Mr.M.R.Jothimanian [R1 to R3]
No appearance [R4]

Writ Petition No.5781 of 2020

K.S.Jagannathan (died)

2.K.J.Sumathy
W/o.Late K.S.Jagannathan

3.S.J.Viswanathan
S/o.Late K.S.Jagannathan

4.J.Nithyasree
D/o.Late K.S.Jagannathan
(P2 to P4 substituted as legal representatives
of deceased sole petitioner vide order dated
11.01.2022 made in WMP No.14671/2021
in W.P.No.5781 of 2020)

.. Petitioners

Vs.

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

2.The Secretary,
The Bar Council of Tamil Nadu,
High Court Campus,
Chennai - 104.

3.The Disciplinary Committee VI,
The Bar Council of Tamil Nadu,
High Court Campus,
Chennai - 104.



4.P.K.Muthusamy

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Prohibition prohibiting the third respondent Committee from proceeding with the interlocutory application and passing any orders in I.A.No.Nil of 2019 in D.C.C.No.73 of 2019 dated 28.09.2019, which was filed by the fourth respondent.

For Petitioners : Mr.A.Ilayaperumal

For Respondents : Mr.M.R.Jothimanian [R1 to R3]
Mr.N.Manokaran for [R4]

COMMON ORDER

[Order of the Court was made by P.N.PRAKASH, J]

As the issues involved in all these writ petitions are similar, they are considered and decided by this common order.

2. Writ Petition No.29861 of 2019 has been filed seeking issuance of a Writ of Mandamus to appoint an Independent Committee under Mr.Singaravelan, Senior Advocate, for conducting enquiry in D.C.C.No.375 of 2018, D.C.C.No.73 of 2019 and D.C.C.No.74 of 2019 pending on the file of the Disciplinary Committee VI, Bar Council of Tamil Nadu and Puducherry, Chennai, for effective action and monitor the same or in the alternate, transfer complaints in D.C.C.No.375 of 2018, D.C.C.No.73 of 2019 and D.C.C.No.74 of 2019 on the file of the Disciplinary Committee VI, Bar Council of Tamil Nadu and Puducherry, Chennai, to any other State Bar Council for effective enquiry.

3. Writ Petition Nos.5778 and 5781 of 2020 have been filed seeking issuance of a Writ of Prohibition prohibiting the third respondent Committee from proceeding with the interlocutory application and passing any orders in I.A.No.Nil of 2019 in D.C.C.Nos.375 of 2018 and 73 of 2019 dated 28.09.2019, which was filed by the fourth respondent in the respective petition.

4. The issue in these writ petitions lies in a very narrow compass. One K.S.Jagannathan had some lands. One Nagaraj [A1], a local politician, entered into a loan agreement dated 05.04.2004 with one Rajendran [A2], under which, Nagaraj [A1] made it appear as if he has received a loan around Rs.4,00,000/- for which, he has given the above said property of K.S.Jagannathan as security. The loan agreement dated 05.04.2004 contained an arbitration clause. On a contrived premise that a dispute has arisen between Nagaraj and Rajendran, a collusive arbitration



proceedings were initiated in conspiracy with some advocates and an award was passed on 31.10.2014 in a fake arbitration proceedings viz., AR.O.P.No.36 of 2014 in respect of K.S.Jagannathan's land directing Nagaraj to execute a sale deed in favour of Rajendran. On coming to know of this, K.S.Jagannathan approached the police and lodged a police complaint, based on which, a case in Dharmapuri DCB Crime No.1 of 2018 was registered.

5. K.S.Jagannathan also found that Nagaraj and Rajendran were not alone in the adventure and that they were actively assisted by three advocates viz., Rajaram, P.V.Ravi and P.K.Muthusamy and therefore, K.S.Jagannathan lodged complaints against these three advocates in the Bar Council. The Bar Council of Tamil Nadu, by order dated 03.09.2019, suspended Rajaram, P.V.Ravi and P.K.Muthusamy from practising pending disposal of the disciplinary proceedings against each one of them. The disciplinary proceedings as against (i) Rajaram is DCC No.74/2019, (ii) P.V.Ravi is DCC No.375/2018 and (iii) P.K.Muthusamy is DCC No.73/2019.

6. Apprehending that the proceedings before the Bar Council will not be fair, K.S.Jagannathan filed W.P.No.29861 of 2019 for a mandamus to constitute an independent committee under Mr.Singaravelan, Senior Advocate, for conducting the enquiries in DCC Nos.375/2018, 73 and 74/2019 in an impartial manner. While this Writ Petition was pending, P.V.Ravi and P.K.Muthusamy filed interlocutory applications in their respective disciplinary proceedings for revoking the order of suspension before the Bar Council. Apprehending that the Bar Council is likely to revoke their suspension, K.S.Jagannathan filed W.P.Nos.5778 and 5781 of 2020 for a prohibition restraining the disciplinary committee of the Bar Council from revoking the suspension order of P.V.Ravi and P.K.Muthusamy.

7. A Division Bench of this Court heard W.P.Nos.5778 and 5781 of 2020 and stayed the two interlocutory applications that were filed by P.V.Ravi and P.K.Muthusamy before the Bar Council and thereby, restrained the Bar Council from revoking the suspension order. This order was passed on 13.03.2020. The Division Bench also directed the disciplinary committee to proceed with the disciplinary proceedings against the said advocates.

8. While that being so, K.S.Jagannathan died on 04.10.2020. Therefore, his widow and two children filed applications before the Bar Council for getting themselves substituted in the name of K.S.Jagannathan and for prosecuting the disciplinary proceedings in D.C.C.Nos.375 of 2018 and 73 of 2019 against P.V.Ravi and P.K.Muthusamy respectively. These interlocutory



applications that were filed by the legal heirs of K.S.Jagannathan in I.A.No.1 of 2020 in DCC Nos.375/2018 and 73/2019 have been disposed of on 06.03.2021 by the disciplinary committee of the Bar Council by holding that they cannot step into the shoes of K.S.Jagannathan and conduct the disciplinary proceedings against the said two advocates. Challenging the order dated 06.03.2021, the legal heirs of K.S.Jagannathan viz., K.J.Sumathy, S.J.Viswanathan and J.Nithyasree have filed W.P.Nos.20601 and 20606 of 2021.

9. In W.P.No.20601 of 2021, the contesting respondent is P.V.Ravi and in W.P.No.20606 of 2021, the contesting respondent is P.K.Muthusamy. Consequent to the dismissal of the application of the legal heirs of K.S.Jagannathan to prosecute the disciplinary proceedings against P.V.Ravi and P.K.Muthusamy, the actual disciplinary proceedings against both of them were closed by the disciplinary committee by order dated 06.03.2021, which reads as under:

'In view of that the present interlocutory application filed by the petitioners is dismissed and the same is not maintainable before this forum and consequently, the complaint is closed. If at all any right of the petitioner is infringed upon the petitioners they are at liberty to work out their remedy in the manner known to law.'

10. Now what has to be decided by this Court is the validity of the order dated 06.03.2021. Since much water has flown under the bridge, in our considered view, it may not be necessary to keep pending W.P.Nos.29861/2019, 5778 and 5781/2020. Therefore, in view of the aforesaid developments alone, these Writ Petitions viz., W.P.Nos.29861/2019, 5778 and 5781/2020 are closed and we are not passing any orders on merits in the aforesaid writ petitions as we reserve to resolve all issues while deciding W.P.Nos.20601 and 20606 of 2021, where if situation warrants, the reliefs can also be moulded.

11. In the light of the aforesaid discussions, W.P.Nos.29861/2019, 5778 and 5781/2020 are closed. They are not dismissed. No costs. Connected miscellaneous petitions are closed.

A copy of this order be placed in the records of W.P.Nos.20601 and 20606 of 2021.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar



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

2.The Secretary,
The Bar Council of Tamil Nadu,
High Court Campus,
Chennai - 104.

3.The Disciplinary Committee VI,
The Bar Council of Tamil Nadu,
High Court Campus,
Chennai - 104.

4.The Public Prosecutor,
High Court, Madras.

5.The Public Prosecutor(Puducherry),
Puducherry

Copy To:

The Section Officer,
Writ Section
High Court, Madras.

(Copy of this order be placed in the records
of WP.20601 and 20606/2021) **(2 Copies)**

+3cc to Mr.A.Ilayaperumal, Advocate, S.R.No.2198 to 2200
+1cc to Mr.B.Siddeswaran, Advocate, S.R.No.2956
+2cc to Mr.N.Manokaran, Advocate, S.R.No.2332, 2333

Writ Petition Nos.29861 of 2019,
5778 and 5781 of 2020

AJB(CO)
SB(15/02/2022)