



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2022

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.155 of 2017

Saseendharan

.. Petitioner

Versus

1. The Chairman,
Bar Council of Tamil Nadu & Pondicherry,
Chennai 600 104.

2. Micheal Kumar K
Advocate, Kuzhithurai
Aluvilai Puthen Veedu, Edaicode Post,
Edaicode, Vilavancode Taluk
Kanyakumari District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1st respondent to initiate disciplinary action against the 2nd respondent on the petitioner's representation dated 07.11.2015 under the provisions of the Advocate's Act and the Rules framed by the Bar Council of India, within a time frame fixed by this Court.

For Petitioner : Mr.B.Harikrishnan

For Respondents : Mr.J.Pothiraj for R1
Mr.P.Puhazh Gandhi for
Mr.SPAB & CO for R2

ORDER

(Order of the court was delivered by R. MAHADEVAN, J.)

This Writ Petition has been filed for directing the 1st respondent to initiate disciplinary action against the 2nd respondent based on the petitioner's representation dated 07.11.2015 under the provisions of the Advocates Act and the Rules framed by the Bar Council of India, within a time frame to be stipulated by this court.



2. According to the petitioner, the 2nd respondent, who is an Advocate by profession, instituted a suit in O.S.No.460 of 2011 on the file of the District Munsif Court, Kuzhithurai, claiming right over the petitioner's land and obtained an order of status quo. Based on the said interim order, the 2nd respondent abetted and encouraged the plaintiffs, who trespassed into the petitioner's land and laid pathway, thereby causing damages. In this connection, the petitioner lodged a criminal case against the second respondent, which was registered as FIR No.213/2012 and charge sheet was filed by the Inspector of Police, Arumanai Police Station, in PRC No.16/2012 for the offences under sections 427, 447, 482, 506(2) IPC and section 3 of TNPPDL Act. Besides this, he filed a representation on 07.11.2015 to the first respondent requesting to take disciplinary action against the second respondent under the Advocates Act. However, till date, no action was taken on the said representation. Therefore, this writ petition.

3. Heard both sides and perused the documents enclosed in the typed set of papers.

4. Considering the limited scope of the matter, this court without expressing any opinion on the merits of the case, directs the 1st respondent to consider the petitioner's representation dated 07.11.2015 and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the aforesaid direction, this writ petition stands disposed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

dhk/vkr

To

The Chairman,
Bar Council of Tamil Nadu & Pondicherry,
Chennai 600 104.

W.P.No.155 of 2017

GPL[co]
NSK 26/04/2022