



W.P.(MD) No.1710 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.1710 of 2022

and

W.M.P.(MD)No.1511 of 2022

V.S.Thirumalai Kumar

... Petitioner

-Vs-

1.State of Tamil Nadu,
Represented by Inspector of Police,
Tenkasi Police Station,
Tenkasi-627 811.

2.The Superintendent of Police,
Tenkasi District, Tenkasi-627 811.

Page 1 of 7



W.P.(MD) No.1710 of 2022

3.The Bar Council of Tamil Nadu & Puducherry,

Represented by its Secretary,
Madras High Court Campus,
Chennai-600 001.

4.Murugan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the verification report dated 16.11.2021 in C.No.G2/441/2022/VCA/2021 issued by the 2nd respondent to the 3rd respondent, quash the same and consequently, directing the 3rd respondent to admit the petitioner as an Advocate on its roll.

For Petitioner	: Mr.M.Nirmalkumar
For R1 and R2	: Mr.T.Senthil Kumar, Additional Public Prosecutor
For R3	: Mr.K.R.Laxman, Standing Counsel
For R4	: Mr.S.G.L.Rishwanth



WEB COPY

W.P.(MD) No.1710 of 2022

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

Challenging the verification report dated 16.11.2021 issued by the 2nd respondent to the 3rd respondent, the petitioner has come forward with this Writ Petition.

2. According to the petitioner, after completing L.L.B., Course, he applied for enrolment with the 3rd respondent and his application was also accepted by the 3rd respondent and he also attended the online enrolment conducted by the 3rd respondent on 26.11.2021 at 4.30 p.m. The grievance of the petitioner is that though his name was found place at Serial No.1436 in the document, namely, 26.11.2021 Enrolment Present List, in the document, namely, Enrolment Number of Advocates Enrolled on 26.11.2021 published in the official website of the 3rd respondent, his name was not found place. When he contacted the office of the 3rd respondent, he was informed that he is not entitled to be enrolled as an Advocate, as there is an adverse police report against him. Hence, the petitioner made a representation to the 3rd respondent on 09.12.2021,

Page 3 of 7



W.P.(MD) No.1710 of 2022

WEB COPY

stating that he has no criminal antecedents and there is no case pending against him. Thereafter, the petitioner obtained the verification report submitted by the 2nd respondent to the 3rd respondent under the Right to Information Act, 2005, where it has been stated that a criminal case has been registered against the petitioner in Crime No.325 of 2015 on the file of Tenkasi Police Station for the offences under Sections 147, 148, 294(b), 323, 506(i) of IPC and Section 4 of TNPHW Act and the same is pending. Aggrieved by the same, this Writ Petition has been filed.

3.The learned counsel for the 4th respondent / defacto complainant submitted that the 4th respondent has no objection to grant the relief as prayed in the Writ Petition. In this regard, the 4th respondent, who is the defacto complainant in the case in Crime No.325 of 2015, has also filed an affidavit on 28.02.2022. The relevant portion of the said affidavit reads as follows:-

“4.I humbly submit that I have never seen or met this above mentioned Petitioner named Thirumalai Kumar and he has nothing to do with the said occurrence.

5.Wherefore, I humbly submit that I have no objection



W.P.(MD) No.1710 of 2022

WEB COPY

with regard to this Hon'ble Court granting the relief prayed for by the Petitioner in this Writ of Certiorarified Mandamus to quash the report issued by the 2nd Respondent to the 3rd Respondent, and directing the 3rd Respondent to admit the Petitioner as an advocate on its roll if this Hon'ble Court deems fit and necessary.”

4.Heard the learned counsel on either side.

5.Considering the fact that a perusal of the FIR and the final report in Crime No.325 of 2015 do not indicate the name of the petitioner and also the affidavit filed by the 4th respondent dated 28.02.2022 to the effect that the petitioner has nothing to do with the occurrence relating to Crime No.325 of 2015 we direct the 3rd respondent to entertain the application submitted by the petitioner, by considering the affidavit filed by the 4th respondent / defacto complainant and pass appropriate orders, within a period of three weeks from the date of receipt of a copy of this order.



W.P.(MD) No.1710 of 2022

WEB COPY

6.With the above said direction, this Writ Petition stands disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] & [J.S.N.P., J.]

10.10.2022

Index : Yes / No

Internet : Yes / No

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To

1.The Inspector of Police,
Tenkasi Police Station,
Tenkasi-627 811.

2.The Superintendent of Police,
Tenkasi District, Tenkasi-627 811.

3.The Secretary,
Bar Council of Tamil Nadu & Puducherry,
Madras High Court Campus,
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Page 6 of 7



WEB COPY



W.P.(MD) No.1710 of 2022

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W.P.(MD)No.1710 of 2022

10.10.2022