



WEB COPY



W.P.No.173 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.01.2023

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P.No.173 of 2023
and W.M.P.No.166 of 2023

S.J.Viswanathan

.. Petitioner

Vs.

1.The Chairman,
The Bar Council of India,
No.21, Rouse Avenue,
Institutional Area,
New Delhi – 110 002.

2.The Secretary,
The Bar Council of India,
No.21, Rouse Avenue,
Institutional Area,
New Delhi – 110 002.

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

4.The Secretary,
The Bar Council of Tamil Nadu & Puducherry,
High Court Campus, Chennai – 104.



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5.The Disciplinary Committee – I,
The Bar Council of Tamil Nadu & Puducherry,
High Court Campus, Chennai – 104.

6.P.V.Ravi
Advocate

7.P.K.Muthusamy
Advocate

8.K.Rajaram
Advocate

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF MANDAMUS directing the respondents 3 to 5 and particularly directing 5th respondent to conclude the enquiry in Disciplinary Proceedings in D.C.C.No.375 of 2018, D.C.C.No.73 of 2019 and D.C.C.No.74 of 2019 and pass orders on the same as per the orders of this Court dated 12.04.2022 in W.P.Nos.20601 & 20606 of 2021 without effecting the transfer of the Disciplinary Proceedings in D.C.C.No.375 of 2018, D.C.C.No.73 of 2019 and D.C.C.No.74 of 2019 to the respondents 1 and 2 herein.

For Petitioner : Mr.A.Ilayaperumal

For RR 3 to 5 : Mr.K.Elumalai
for Mr.C.K.Chandrasekar

ORDER



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

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3 to 5 and particularly directing 5th respondent to conclude the enquiry in Disciplinary Proceedings in D.C.C.No.375 of 2018 and D.C.C.Nos.73 & 74 of 2019 and pass orders on the same, as per the orders of this Court dated 12.04.2022 in W.P.No.20601 & 20606 of 2021 without effecting the transfer of the said Disciplinary Proceedings to the respondents 1 and 2 herein.

2. The minimum facts that are required for deciding this writ petition are as under:

2.1 A group of conspirators comprising a local politician, Advocates, land brokers and revenue officials grabbed the lands of one K.S.Jagannathan by fabricating a sale agreement containing an arbitration clause, based on which, they conducted a mock arbitration, passed a fake award and had it executed in the District Court, Dharmapuri.



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2.2 When all these matters came to the light of K.S.Jagannathan, he filed a complaint in the Bar Council of Tamil Nadu & Puducherry (for brevity “the BCTN & P) against the delinquent Advocates.

2.3 During the pendency of the complaint, K.S.Jagannathan died. When his legal heirs wanted to prosecute the complaint, the BCTN & P dismissed the complaint of K.S.Jagannathan on the ground that the legal heirs cannot prosecute the complaint.

2.4 Aggrieved by the said order, the legal heirs of K.S.Jagannathan, filed W.P.Nos.20601 & 20606 of 2021, in which, this Court, by a detailed order dated 12.04.2022, set aside the order of the BCTN & P, restored the complaint back on file, permitted the legal heirs of K.S.Jagannathan to prosecute the complaint and directed the Disciplinary Committee to complete the enquiry within three months therefrom.

2.5 Accordingly, the Disciplinary Committee proceeded with the



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enquiry and PW1 was examined. While so, pursuant to the directions of the Supreme Court *vide* order dated 29.09.2022 in Cont.Pet(C).No.309 of 2022 in C.A.No.1478 of 2019, the Disciplinary Committee of BCTN & P has transferred the present complaint to the Bar Council of India (for brevity “the BCI”), aggrieved by which, this writ petition has been filed.

3. Heard Mr.A.Ilayaperumal, learned counsel for the petitioner and Mr.K.Elumalai, learned counsel representing Mr.C.K.Chandrasekar, learned counsel on record for respondents 3 to 5. Today, S.Subramanian (Mobile No.98404 61423), Section Officer, BCTN & P, is present.

4. The learned counsel for the BCTN & P submitted that pursuant to the directions of the Apex Court referred to above *supra*, the BCTN & P has transferred the present complaint along with 385 other complaints on 16.11.2022 in Confidential No.5075 of 2022 to the BCI. He further submitted that a Circuit Bench has been constituted, which will be sitting in Chennai, to dispose of the cases that have been transferred to the BCI.

5. In such view of the matter, we cannot find fault with the step



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taken by the BCTN & P transferring the present complaint to the BCI in compliance with the order of the Supreme Court referred to *supra*. However, we request the Circuit Bench of the BCI at Chennai to dispose of the present complaint as expeditiously as possible.

With the above observations, this writ petition stands disposed of. No Costs. Connected W.M.P. is closed.

J.]

nsd

[P.N.P., J.]

[N.A.V.,

10.01.2023



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To
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High Court Campus, Chennai – 104.

4.The Secretary,
The Bar Council of Tamil Nadu & Puducherry,
High Court Campus, Chennai – 104.

5.The Disciplinary Committee – I,
The Bar Council of Tamil Nadu & Puducherry,
High Court Campus, Chennai – 104.

6.The Public Prosecutor,
High Court, Madras.

7.Circuit Bench for Disciplinary Cases,
Bar Council of Tamil Nadu and Puducherry,
Chennai.



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P.N.PRAKASH, J.
AND
N.ANAND VENKATESH, J.

nsd

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