



WEB COPY



W.P.No.4375 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2023

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN  
and  
THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.4375 of 2023

R.Brinda Katherine

...Petitioner

Vs.

1.Bar Council of Tamil Nadu and Puducherry  
represented by its Secretary,  
High Court Campus, Chennai – 104.

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

3.M.Beslin Jagadeesh (Advocate),  
(Roll No.225/2003).

4.R.Jayaram (Advocate),  
(Roll No.3235/2009)

5.T.Jayakumar (Advocate)  
(Roll No.76/2003)

6.R.Prabhakaran  
(Roll No.660/2008)

7.P.Jeyrohn (Roll No.MS 2248(c) 2015)

... Respondents



W.P.No.4375 of 2023

Writ Petition filed under Article 226 of the Constitution of India

praying for a Writ of Mandamus, directing the first and second respondents to take disciplinary action against the respondents 3 to 7 on the basis of the complaint dated 01.08.2022 within the time frame fixed by this Court.

For Petitioner : Mr.R.Dhakshinamoorthi

For RR 1 & 2 : Mr.C.K.Chandrasekar

### ORDER

[Made by R.MAHADEVAN, J.]

Seeking a direction to the first and second respondents to take disciplinary action against the respondents 3 to 7 on the basis of the complaint dated 01.08.2022 within the time frame fixed by this Court, the petitioner has filed the present petition.

2. When this matter is taken up for consideration, the learned counsel appearing for the respondents 1 and 2 filed a report dated 21.02.2023, wherein, *inter alia* it has been stated as follows:

*“2. It is submitted that the Bar Council has received a complaint dated 01.08.2022 from one Mrs.Brindha Katherine, the Writ Petitioner herein alleging certain allegations against the*



WEB COPY



W.P.No.4375 of 2023

*respondents 3 to 7 herein made under section 35 of the Advocates Act, 1961 and the same was numbered as complaint No.306 of 2022 and reply was also called for from the respondents.*

*3. It is submitted that after receipt of the reply from the Respondent advocates for the complaint made by the Petitioner, the complaint and its reply was placed before the General Council meeting held on 03.02.2023. The above said complaint and reply filed by the Respondents have been elaborately discussed by the Members of the Bar Council and majority of the Members have suggested to refer the matter to the Disciplinary Committee considering the severity of the allegations made out in the complaint.*

*4. It is submitted that since majority of the Members have opined to refer the matter to the Disciplinary Committee considering severity of the allegations made out against the Respondent advocates, resolution has been passed vide Resolution No.168/2023, dated 03.02.2023 to refer the complaint to the Disciplinary Committee No.II for enquiry and disposal and after the Disciplinary case is taken on file, notice will be sent to the parties concerned after enquiry.*

*5. It is submitted that the Petitioner has filed the above Writ Petition to direct the Bar Council of Tamil Nadu and Puducherry to take Disciplinary action against the Respondent advocates on the basis of the complaint made by the Petitioner within time frame. Since, the said complaint of the Petitioner is already referred to the Disciplinary committee for enquiry and disposal, the Writ Petition becomes infructuous.”*

Thus, according to the learned counsel, the matter has already been referred to the Disciplinary Committee for enquiry, on the basis of the complaint given by the petitioner and hence, nothing survives for further adjudication herein.



W.P.No.4375 of 2023

WEB COPY

3. Recording the aforesaid submission and the report filed on the side of the respondent authorities, this writ petition stands closed. No costs.

(R.M.D.,J.) (M.S.Q.,J.)  
24.02.2023

Index:Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No  
nsd

To

- 1.The Secretary,  
Bar Council of Tamil Nadu and Puducherry,  
High Court Campus, Chennai – 104.
- 2.The Chairman,  
Bar Council of Tamil Nadu and Puducherry,  
High Court Campus, Chennai – 104.



WEB COPY



W.P.No.4375 of 2023

R.MAHADEVAN, J.  
and  
MOHAMMED SHAFFIQ, J.

nsd

W.P.No.4375 of 2023

24.02.2023