



WEB COPY



WP No. 6628 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Writ Petition No. 6628 of 2023
and
W.M.P. Nos. 6692, 6693, 6695 and 6699 of 2023

S.N. Subramani
Advocate
No.85C, 5/2, Cross Street
Thanikatchalam Nagar
Ponnammanmedu
Chennai - 600 110

.. Petitioner

Versus

1. The Registrar General
High Court, Madras - 104
2. The Chairman
Bar Council of India
No.21, Rouse Avenue
Institutional Area
Neal Bal Bhawan
New Delhi - 110 002
3. The Chairman
Bar Council of Tamilnadu and Pondicherry
High Court Campus, Chennai.
4. The Assistant Secretary
Bar Council of Tamilnadu and Pondicherry
High Court Campus, Chennai.



WP No. 6628 of 2023

5. R. Selvakumar

.. Respondents

WEB COPY Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the fourth respondent in confl.No.637/2023 dated 07.02.2023 with respect to the petitioner, quash the same, consequently direct the respondents 2 to 4 to pay compensation.

For Petitioner : Mr. S.N.Subramani (Party-In-Person)

For Respondents : Mr. S.Giridharan (For R1)

Mr. S.R. Raghunathan for R2

Mr. C.K. Chandrasekar for R3 and R4

ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

This writ petition has been filed seeking to quash the notice dated 07.02.2023 issued by the fourth respondent calling upon the petitioner to furnish certain particulars to proceed with the complaint dated 03.01.2023 filed against him by the fifth respondent and consequently direct the respondents 2 to 4 to pay compensation to him.

2. According to the petitioner/party-in-person, he is practicing as an advocate for more than 25 years and appearing before the various Courts and Tribunals in the State of Tamil Nadu. In his affidavit, the petitioner has narrated various events relating to alleged false complaints given against the



WP No. 6628 of 2023

Advocates and the various steps, he had taken to defend those vexatious and frivolous complaints. The grievance of the petitioner in this writ petition appears to be that the fifth respondent has given a complaint against him, based on which the fourth respondent had issued the notice dated 07.02.2023 calling upon him to furnish certain particulars. According to the petitioner, the fourth respondent ought not to have issued the impugned notice inasmuch as the complaint given by the fifth respondent does not even make out a prima facie case of professional misconduct. It is also contended that the petitioner had sent a legal notice to the fifth respondent on behalf of his client Ms. Hema and for having issued such a notice, the fifth respondent has filed the frivolous complaint before the fourth respondent. The fifth respondent has not produced any document except the notice he issued on behalf of his client and the complaint preferred by the fifth respondent will not make out a case of professional misconduct. While so, the fourth respondent ought not to have entertained the complaint given by the fifth respondent and issued the impugned notice calling upon him to furnish certain documents. Therefore, by contending that the notice dated 07.02.2023 has been issued by the fourth respondent without application of mind, the petitioner prayed for quashing the same with further direction to pay him compensation.



WP No. 6628 of 2023

3. The learned standing counsel appearing for the third and fourth respondents submitted that on receipt of a complaint dated 03.01.2023 received from the fifth respondent, against the petitioner and others, the notice dated 07.02.2023 has been issued by the fourth respondent, calling upon the petitioner to submit his response, in compliance with the principles of natural justice. The fourth respondent has not passed any order on receipt of the complaint dated 01.02.2023 from the fifth respondent, but merely forwarded it to the petitioner and sought his response. The petitioner, instead of submitting his response to the complaint given by the fifth respondent, has hastily approached this Court with this writ petition. The learned counsel, therefore, prayed for dismissal of this writ petition.

4. We have heard the petitioner-in-person, the learned Standing counsel for the first respondent, the learned Standing counsel for the second respondent as well as the learned standing counsel for the respondents 3 and 4 and perused the materials on record.

5. It could be seen that based on the complaint given by the fifth respondent against the petitioner and others, the fourth respondent sent the notice, which is impugned herein in this writ petition and without submitting



WP No. 6628 of 2023

his reply/comments to the notice dated 07.02.2023, the petitioner has filed this writ petition. When this pertinent question was put, the petitioner sought two weeks time for filing his comments to the notice dated 07.02.2023 issued by the fourth respondent, for which the learned counsel appearing for the third and fourth respondents has no objection.

6. In view of the above, we grant two weeks time from the date of receipt of a copy of this order, to enable the petitioner-to submit his response to the notice dated 07.02.2023 issued by the fourth respondent. The writ petition is disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petitions are closed.

[R.M.D., J] [M.S.Q., J]

02.03.2023

Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non-Speaking Order

Maya/rsh

To

1. The Registrar General
High Court, Madras - 104.

2. The Chairman
Bar Council of India
No.21, Rouse Avenue
Institutional Area



WP No. 6628 of 2023

Neal Bal Bhawan
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WP No. 6628 of 2023

R. MAHADEVAN, J
and
MOHAMMED SHAFFIQ, J

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WP No.6628 of 2023

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