



W.P.No.22329 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.22329 of 2023

Vaithiyanathan

.. Petitioner

Vs.

The Secretary
The Bar Council of Tamil Nadu and Puducherry
NSC Bose Road
Chennai 600 104.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondent to consider and pass orders on the petitioner's various representations dated 24.11.2020, 02.01.2021, 23.11.2022 and 02.02.2023 within a time frame as may be fixed by this Hon'ble Court.

For the Petitioner : Mr.A.Fernandez

For the Respondent : Mr.M.R.Jothimanian



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ORDER
(Made by the Hon'ble Chief Justice)

We have heard Mr.A.Fernandez, learned counsel for the petitioner and Mr.M.R.Jothimanian, learned counsel for the respondent.

2. The petitioner seeks a direction to the Bar Council to take action against the advocates against whom allegations of misconduct for filing double claims are made.

3. We had called for the report from the respondent as to the steps taken pursuant to the Expert Committee's opinion.

4. Today, the Bar Council has placed on record the report about the steps undertaken. It is stated that the petitioner has submitted a complaint which was returned back as it was not in proper form and containing necessary particulars. The petitioner re-submitted the complaint, however, in the same manner, without correcting the defects.



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5. We do not find the report of the Expert Committee indicts 111 advocates. The Expert Committee has indicted only seven advocates against whom Bar Council has taken action by suspending two advocates from practice with cost of Rs.5.00 lakh (Rupees five lakh only), reprimanding four advocates with cost of Rs.3.00 lakh (three lakh only) and finding one advocate not guilty of professional misconduct.

6. There is no concrete material on record before us to take a decision as to the involvement of a particular advocate. Only statement may not be sufficient. Even the Expert Committee report does not indict 111 advocates, as suggested by the petitioner. If there some documents would have been placed on record that could have been considered. It has been suggested that in many cases, though double claims were made, they were withdrawn later. In the absence of details, it will not be possible for us to pass a specific order. However, if any instance of misconduct is noticed, the petitioner can approach the Bar Council for necessary action immediately.



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7. With these observations, the writ petition is disposed of.

There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

19.09.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

The Secretary
The Bar Council of Tamil Nadu and Puducherry
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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

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