



W.P.No.12518 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.12518 of 2022

D.Selvam

...Petitioner

Vs.

1.The Secretary,
Bar Council of Tamil Nadu and Pondicherry,
High Court Campus, Chennai – 600 104.

2.The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Road,
Chennai – 600 004.

3.The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai – 600 007.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus, directing the 2nd and 3rd Respondents to provide adequate police protection to the Petitioner and his family members.

For Petitioner : Mr.M.Velmurugan for Mr.S.Prabudoss

For R-1 : Mr.Fakkir Mohideen for M/s.C.K.Chandrasekar



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For R-2 & 3

: Mr.S.Santhosh
Government Advocate (Crl.Side)

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ORDER

The Writ Petition has been filed for directing the 2nd and 3rd Respondents to provide adequate police protection to the Petitioner and his family members.

2. Learned counsel for the petitioner submitted that, petitioner was elected as a Member of Bar Council of Tamil Nadu and Pondicherry in 2005, and Chairman of Bar Council of Tamil Nadu and Pondicherry from 2011 to 2016. During 2015, when he was a chairman of the Bar Council of Tamil Nadu and Pondicherry, this Court passed an Order with regard to compulsory wearing of helmet. Against the said Order, there was wide spread protest carried by various Bar Associations and Advocates all over Tamil Nadu and Pudhucherry. Being the authority for controlling and regulating the lawyers, petitioner issued show cause notice to all the erring lawyers and they were suspended from practice. Some of the advocates from Madurai have led a Motorcycle protest from Madurai District Court to High Court Madurai Bench without wearing helmets and criticized the Hon'ble Judges of this Court. In 2016, when advocates have agitated against the



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amendments of Section 34(1) of the Advocates Act, 1961, this Court directed the Bar Council to take appropriate action against the protesters. In that connection, Bar Council suspended more than 126 advocates from practice. There was continuous strike and therefore, the Chairman of Bar Council of India issued an Order stating that “The Secretary, Bar Council of Tamil Nadu and Puducherry is requested and directed to convey this order to all the Bar Associations of the State informing them that if the strikes, boycotts or the abstentions are not recalled latest by 22.07.2016, the Leaders/Office-Bearers of all the striking Bar Associations shall be put under suspension and will be disqualified from contesting any election of any Bar Association or the Bar Council in future”.

3. On the basis of the above Order, actions were taken by Bar Council of Tamil Nadu, as and when required. Therefore, there were several threat made against the petitioner and his family members. Few of the advocates and hooligans approached his house and started attacking with rowdy elements and damaged household articles. Taking note of the threat perception against the petitioner, police protection was given to him and his family members.



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4. This Court constituted a committee by Hon'ble Mr.Justice K.Chandru to enquire Parallel Justice Delivery System at Egmore Courts. Petitioner is one of the members of the Committee as a Chairman of the Bar Council. After several meetings, committee gave suggestions to this Court for taking appropriate action against the erring advocates. Due to the above action, the erred advocates had also made life threat to the petitioner and his family members. Considering the situation, this court directed the then Commissioner of Police Mr.A.K.Vishwanathan to provide police protection to the petitioner and his family members from the year 2015 onwards. Then without giving any reasons, police protection was withdrawn from December 2020. In the said circumstances, this petition is filed for directing the 2nd and 3rd Respondents to provide adequate police protection to the Petitioner and his family members.

5. Learned Government Advocate (Criminal side) appearing for 2nd and 3rd respondents submitted that, as per oral instruction of then Commissioner of Police, petitioner was given police protection in the year 2016. Subsequently, a review was conducted on 04.10.2021 by the Security



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Review Committee. The Security Review Committee was of the view that, petitioner faced no threat now and therefore, it recommended for the withdrawal of police protection. Accordingly, police protection was withdrawn from 12.11.2021. From 12.11.2021 till date, petitioner has not given any complaint informing about any threat faced by him from any quarters. Therefore, the request for police protection cannot be considered.

6. In reply to his submission, learned counsel for the petitioner submitted that, the threat for the action taken by the petitioner, when he was the Chairman of the Bar Council of Tamil Nadu and Puducherry still continues. It is his further submission that the following Advocates and Officer bearers of Bar Council of India, Senior Advocates were also given police protection like the police protection was given to the petitioner in the year 2016 and police protection is still continued to them.

a) Mr.P.S.Amalraj, Chairman, Bar Council of Tamil Nadu and Pudhucherry.

b) Mr.S.Prabakaran, Vice Chairman, Bar Council of India.

c) Mr.C.Raja Kumar, Secretary, Bar Council of Tamil Nadu and Pudhucherry.



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d) Mr.Chandrasekar, Senior Advocate, 8-A Committee Member (2017-

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e) Mr.Singaravelan, Senior Advocate, 8-A Committee Member (2017-2018)

7. It is further submitted that police protection was given to them for the same reason, on which police protection was given to the petitioner. Police protection given to these persons is still being continued. But for no reason, police protection given to the petitioner is withdrawn. Petitioner still continuous to be the Member of Bar Council of Tamil Nadu and Puducherry.

8. Mr.Fakkir Mohideen, learned counsel for the 1st respondent submitted that,

(i) Mr.P.Amalraj, Chairman, Bar Council of Tamil Nadu and Pudhucherry is given police protection on the basis of the Orders of this Court in Crl.O.P.No.18337 of 2020 dated 22.01.2021.

(ii) Mr.S.Prabakaram, Vice Chairman of Bar Council of India and Mr.C.Rajakumar, Secretary of Bar Council of Tamil Nadu and Puducherry



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are given Police protection based on the Order of this Court in

W.P.Nos.25215, 26085, 26177 and 26556 of 2017 dated 06.11.2017.

(iii) Mr.Chandrasekar, Senior Advocate and Mr.Singaravelan, Senior Advocate, who were the members of the Disciplinary Committee/Special Committee, passed several orders against errant members of the Bar and some Bar Associations. Therefore, they are also given police protection. Police protection is still being continued to them.

9. Considered the submissions and perused the records.

10. It is seen from the records produced in this case, already the Bar Council of Tamil Nadu and Puducherry through its communication and ROC No.39 of 2022 dated 07.01.2022 forwarded representation of the petitioner dated 12.11.2021 to take necessary steps for giving police protection to him and his family members .

11. In the light of the submissions made by the learned Counsel for the parties, the nature of the post held by the petitioner, the action taken by him



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against some advocates during his tenure as Chairman of Bar Council of Tamil Nadu and Puducherry and apprehension raised by him with regard to his and his family members personal safety, this Court directs the respondents 2 and 3 to consider the petitioner's representation dated 12.11.2021 which was forwarded by the Bar Council of Tamil Nadu and Puducherry through its proceedings in ROC.No.39 of 2022 dated 07.01.2022 and pass appropriate orders, preferably considering giving police protection to the petitioner and his family members, taking into consideration all the relevant aspects within a period of four weeks from the date of receipt of a copy of this Order.

12. Accordingly, this Writ Petition is disposed of, with the above directions. No costs.

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Index :Yes/No
Internet :Yes/No
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To

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High Court Campus, Chennai – 600 104.
2. The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Road,
Chennai – 600 004.
3. The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai – 600 007.
4. The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN, J.



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