



W.P.(MD)No.10858 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.10858 of 2022

and W.M.P.(MD) Nos.7819 and 7820 of 2022

Sethuraman

... Petitioner

Vs.

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

2.The Secretary,
The Tiruchirappalli Bar Association,
District Court Campus, Cantonment,
Tiruchirappalli – 620 001.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the impugned resolution dated 14.12.2019, passed by the 1st respondent and quash the same and allow the verification committee to function as earlier.



W.P.(MD)No.10858 of 2022

For Petitioner : Mr.I.Romeo Roy Alfred

For Respondents : Mr.K.R.Laxman
Standing Counsel for R1

Mr.K.P.Narayanakumar for R2

ORDER

(Order of the Court was made by **V.LAKSHMINARAYANAN, J.**)

The order impugned in this Writ Petition is the resolution passed by the first respondent Bar Council of Tamil Nadu and Puducherry. By the said resolution, the resolutions passed by the Tiruchirappalli Bar Association on 29.06.2016 and 20.09.2019 have been set aside.

2. The Advocates Act of 1961 does not confer any right, title, interest or jurisdiction on the Bar Council to deal with the private resolutions passed by the private association / Bar Association formed by Advocates created for the welfare of the advocates practising in that Court. It is a private body over which the Bar Council does not have jurisdiction. Therefore, the impugned order has to be set aside.



W.P.(MD)No.10858 of 2022

WEB COPY

3. Mr.K.R.Laxman, learned Standing Counsel for the first respondent would submit that one Advocate by name V.Ragavendran has submitted the resolution to the scrutiny of the Bar Council and consequently, the Bar Council decided to scrutinize the same.

4. Jurisdiction is a matter which has to be conferred by a statute and cannot be conferred either by acquiescence or by consent. Therefore, such submission fails. However, we make it clear that the Bar Council of Tamil Nadu and Puducherry is always entitled to verify the genuineness of the Certificates on the basis of which an Advocate seeks to be enrolled on its rolls. It can be done either *suo moto* or on a receipt of a complaint. However, to reiterate, the Bar Council of Tamil Nadu and Puducherry cannot usurp the jurisdiction, which it does not possess under the Advocates Act of 1961.

5. Consequently, recognizing the right of the Bar Council of Tamil Nadu and Puducherry to enquire into the genuineness or otherwise of the certificate either on its own motion or on a complaint, the impugned resolution dated 14.12.2019, passed by the first respondent is quashed and this Writ Petition is



W.P.(MD)No.10858 of 2022

allowed. No costs. Consequently, connected Writ Miscellaneous Petitions are also closed.

WEB COPY

(S.M.S., J.) & (V.L.N., J.)
06.12.2023

NCC : Yes / No

Index : Yes / No

SJ



WEB COPY



W.P.(MD)No.10858 of 2022

S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

SJ

W.P.(MD)No.10858 of 2022

06.12.2023