



W.P.(MD) No.16933 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.(MD) No.16933 of 2023

and

W.M.P.(MD) No.14158 of 2023

G.Satheeshkumar

... Petitioner

-vs-

1.The Bar Council of Tamil Nadu
rep.by its Secretary
High Court Campus
Chennai-600 104

2.The Registrar
Disciplinary Committee
Bar Council of Tamil Nadu
High Court Campus
Chennai-600 104

3.Rajeswari

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records relating to the second respondent impugned resolution No.968/2022, dated 23.12.2022 and quash the same as illegal and arbitrary.



WEB COPY

W.P.(MD) No.16933 of 2023

For Petitioner : Mr.C.Christopher

For Respondents : Mr.K.R.Laxman
Standing Counsel for R1 & R2

ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

Challenging the resolution of the Bar Council of Tamil Nadu & Puducherry, dated 23.12.2022, referring the complaint made by the third respondent against the petitioner to the Disciplinary Committee No.X for enquiry and disposal, this writ petition is filed.

2. It is the grievance of the petitioner that the third respondent has lodged a criminal complaint and a complaint before the Bar Council of Tamil Nadu & Puducherry simultaneously. The criminal complaint is now pending in C.C.No.32 of 2023, on the file of the learned Judicial Magistrate, Additional Mahila Court, Srivilliputhur. The complaint that was forwarded to the Bar Council of Tamil Nadu & Puducherry was considered and it was referred to the Disciplinary Committee by the impugned resolution.



WEB COPY

W.P.(MD) No.16933 of 2023

3. The petitioner challenges the impugned resolution mainly on the ground that on the same set of facts, criminal proceedings as well as the complaint before the Bar Council of Tamil Nadu & Puducherry have been initiated and that the complaint cannot be processed by the Disciplinary Committee till such time the criminal case against him is finalized.

4. The second contention of the learned counsel for the petitioner is that the complaint does not refer to any professional misconduct and therefore, it does not give any right to the Disciplinary Committee.

5. This Court is unable to countenance the above submissions of the learned counsel for the petitioner, as the question relating to jurisdiction of the Disciplinary Committee may also be considered by them having regard to the facts alleged and the relevant provisions of the Advocates Act, 1961 and the Rules thereof. It is open to the petitioner to raise all his objections before the Disciplinary Committee and convince them on facts. This Court having regard to the nature of the allegations is not inclined to interfere with the process and find that this writ petition is not maintainable at the referral stage.



W.P.(MD) No.16933 of 2023

WEB COPY

6. Accordingly, granting liberty to the petitioner to raise all his objections before the Disciplinary Committee, Bar Council of Tamil Nadu & Puducherry, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.]

[D.B.C., J.]

13.07.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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WEB COPY



W.P.(MD) No.16933 of 2023

S.S.SUNDAR, J.
and
D.BHARATHA CHAKRAVARTHY, J.

krk

W.P.(MD) No.16933 of 2023
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