



W.P(MD)No.17402 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17402 of 2015

and

M.P(MD)Nos.1 & 2 of 2015

V.Thenmozhi

... Petitioner

Vs

1.Advocate Bar Association,
Sankarankovil,
Represented by its President,
Mr.Jawahar Surikumar,
Advocate,
Sankarankovil,
Tirunelveli District.

2.Advocate Bar Association,
Sankarankovil,
Represented by its Secretary,
Mr.T.Gandhikumar,
Advocate,
Sankarankovil,
Tirunelveli District.

3.Ramesh Kuamr
4.Karupasamy
5.M.Sivaramakrishnan
6.S.Kangaraj



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7.M.Tamilarasan

... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the first respondent dated 11.09.2015 and to quash the same.

For Petitioner : M/s.P.Jessi Jeeva Priya

For Respondents : Mr.R.J.Karthick for R.4 to R.7

No Appearance for R.1 to R.3

ORDER

Heard the learned counsel on either side.

2. The petitioner is a practising lawyer. During 2015, he was practising in the Courts at Sankarankoil. She has filed this writ petition challenging the impugned show cause notice dated 11.09.2015. The second respondent has entered appearance and also filed counter affidavit and typed set of papers. It is stated therein that the petitioner has since been removed from the membership of the Advocate Bar Association, Sankarankoil on 01.10.2015. This writ petition was filed only in November 2015.



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3. The learned counsel appearing for the petitioner states that the notices, resolutions, show cause notice and the final resolution said to have been passed by the second respondent association were never furnished to the petitioner and she had no occasion to challenge the same.

4. Now that the papers had been served on the learned counsel appearing for the petitioner, it is open to the petitioner to challenge the same in the manner known to law. The notice impugned in this writ petition reads that since the petitioner had appeared for the persons who stand accused in a case of attack on a practicing lawyer, she is proposed to be suspended.

5. I repeatedly queried the learned counsel appearing for the respondents 3 to 7 if such a notice was in fact circulated through whatsapp. He is not able to make a firm statement. I make it clear that any lawyer is entitled to appear in any matter for any person. In fact, professional ethics demand that advocate does not refuse one's services to any person who wants to avail the same. I therefore would disapprove of any notice issued to the petitioner if it had been for the reason that she had appeared for the accused in an assault case involving a lawyer.



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6. With this clarification and liberty to the petitioner, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

31.08.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

1.The President,
Advocate Bar Association,
Sankarankovil,
Tirunelveli District.

2.The Secretary,
Advocate Bar Association,
Sankarankovil,
Tirunelveli District.



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G.R.SWAMINATHAN, J.

MGA

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