



W.P.(MD)No.24436 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.10.2023

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THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD)No.24436 of 2023

- 1.Sethuraman
- 2.C.S.Gopalakrishnan
- 3.P.Sridhar
- 4.Rajasekar
- 5.Vanaja
- 6.Km.Sundaravadivel

...Petitioners

-Vs.-

- 1.The Chairman,
The Bar Council of India,
No.21, Rouse Avenue Institutional Area,
Near Bal Bhawan,
New Delhi – 110 002.
- 2.The Secretary,
Bar Council of Tamil Nadu and Puducherry,
High Court Buildings,
Chennai – 600 104.
- 3.The Secretary,
The Trichirappalli Bar Association,
District Court Campus, Cantonment,
Tiruchirappalli – 620 001.
- 4.V.Kanagaraju
- 5.R.Ramachandran

...Respondents



W.P.(MD)No.24436 of 2023

PRAYER:- Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, to transfer the Complaint in TNECR No.5/2021 and TNECR No.6/2021 pending on the file of the 2nd respondent to the 1st Respondent in the light of Section 36B of the Advocates Act, 1961.

For Petitioner : Mr.I.Romeo Roy Alfred

For Respondents : Mr.K.R.Laxman
for R1 to R3

ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The Writ Petition on hand has been instituted to transfer Complaint in TNECR No.5/2021 and TNECR No.6/2021 pending on the file of the 2nd respondent Bar Council of Tamil Nadu and Puducherry to the 1st Respondent Bar Council of India in the light of Section 36-B of the Advocates Act, 1961.

2. By consent of both sides, the Writ Petition itself is taken up for final disposal at the time of admission itself. Considering the nature of the order proposed to be passed in this Writ Petition, notice to the respondents 4 and 5 is dispensed with.



W.P.(MD)No.24436 of 2023

3. The petitioners state that they are the Members of the Tiruchirappalli Bar Association and also the Members of the Verification Committee set up by the Tiruchirappalli Bar Association vide Resolution passed in the General Body Meeting dated 29.06.2018. With reference to the allegations of fake lawyers, who have secured invalid degree and practising as lawyers in District Court, the Secretary, Tiruchirappalli Bar Association has submitted a complaint. Though the complaint was submitted in the year 2019, the Bar Council of Tamil Nadu and Puducherry has failed in their duty to dispose of the complaint as per the time limit prescribed under the statutes and rules. Thus, the petitioners are constrained to move the present Writ Petition.

4. Learned counsel appearing on behalf of Bar Council of Tamil Nadu and Puducherry made a submission that the subject complaint has already been transferred to the 1st respondent in D.C.No.67 of 2022 on 16.12.2022 and now the complaint is pending before the Bar Council of India for adjudication and to pass orders.

5. We are frequently receiving Writ Petitions regarding non-disposal of complaints by the Bar Council of Tamil Nadu and



W.P.(MD)No.24436 of 2023

Puducherry, within the time limit prescribed which cannot be appreciated. The Bar Council of Tamil Nadu and Puducherry on receipt of any such complaint is expected to dispose of the same by strictly adhering to the time limit contemplated under the statutes and rules in force. Delay in disposal would cause prejudice to the interest of the complainant as well as the persons / lawyers defending the complaint, since the parties have to face the trial before the Bar Council of India by travelling to New Delhi. Such circumstances would cause hardships to the persons, who all are facing the complaint. In order to mitigate the circumstances, the Bar Council of Tamil Nadu and Puducherry is expected to be dutiful so as to ensure that the complaints received are disposed of within the time limit prescribed so as to avoid further hardship to the parties to the complaint. We expect and hope that the Bar Council of Tamil Nadu and Puducherry will take all appropriate actions to ensure that the pending complaints are disposed of within the time limit prescribed.

6. Since in the present case, the complaint was submitted in the year 2019 and pending for about four years, the first respondent Bar Council of India is directed to dispose of the same within a period of six



W.P.(MD)No.24436 of 2023

months from the date of receipt of a copy of this order by following the procedures as contemplated and by affording opportunity to the parties.

7. With the above directions, the Writ Petition stands disposed

of. No costs.

[S.M.S.J.] & [V.L.N.J.]
09.10.2023

NCC :Yes/No
Index :Yes/No
SJ

To

- 1.The Director,
City Town Planning Authority,
807, Anna Salai,
Chennai – 600 002.
- 2.The District Collector,
Madurai District,
Madurai.
- 3.The Member Secretary,
Madurai Town Planning Authority,
Madurai.



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W.P.(MD)No.24436 of 2023

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AND
V. LAKSHMINARAYANAN, J.

SJ

W.P.(MD)No.24436 of 2023

09.10.2023