



WEB COPY

W.P.No.7919 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.7919 of 2024

K.Kausalya

... Petitioner

Vs.

- 1.Government of Tamil Nadu,
Represented by the Home Secretary,
Fort St. George,
Chennai – 9.
- 2.The Director General of Police,
Post Box No.601, Radhakrishnan Salai,
Mylapore, Chennai – 600 004.
- 3.Commissioner of Police,
Greater Chennai.
- 4.Deputy Superintendent of Police,
Chengalpet.
- 5.Inspector of Police,
Saidapet.
- 6.Bar Council of Tamil Nadu and Puducherry,
Madras High Court Campus, Chennai – 104.



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7.Mr.Mahalingam

8.Mr.M.Rajasekar

9.Mr.CR.Mahesh Balaje

... Respondents

[R7 to R9 are impleaded as per order dated 18.04.2024
in WMP.No.10819/2024 in WP.No.7919/2024]

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to issue necessary directions to deal with the Advocate committing offences like any other criminal, respondents 3-5 to register necessary cases against the accused, arrest them for commission of cognizable offences and proceed as per Cr PC and respondent No.6 to issue necessary directions to the Advocates restraining them from visiting Police Stations in large numbers and intimidate the Law Enforcing Agency and also protect the innocent citizens from the practice of Kangaroo Courts by the Advocates who indulge in visiting the disputed property for personal gains.

For Petitioner : Mr.S.Ganesan

For R1 : Mr.S.S.John J.Raja Singh
Additional Government Pleader

For R2 to R5 : Mr.C.E.Pratap
Government Advocate [Crl. Side]

For R6 : Mr.M.R.Jothimanian

For R7 : Mr.K.Mahalingam
[Party-in-Person]



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For R8

: Mr.M.Rajasekaran
[Party-in-Person]

For R9

: C.R.Mahesh Balaje
[Party-in-Person]

ORDER

[Order of the Court was made by **S.M.SUBRAMANIAM, J.**]

The writ of mandamus has been instituted to direct the respondents 1 and 2 to issue necessary directions to deal with the Advocates, committing offences like any other criminal, respondents 3 to 5 to register necessary cases against the accused, arrest them for commission of cognizable offences and proceed as per Criminal Procedure Code and 6th respondent to issue necessary directions to the Advocates restraining them from visiting Police Stations in large numbers and intimidate the Law Enforcing Agency and also protect the innocent citizens from the practice of Kangaroo Courts by the Advocates, who indulge in visiting the disputed property for personal gains.

2. Mr.S.Ganesan, learned counsel for the petitioner would submit that the petitioner has given a criminal complaint against the respondents 7 to 9 .



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since it was not registered and action was not initiated, the writ petition came to be instituted.

3. The Assistant Commissioner of Police, Semmancherry Range, Chennai filed a status report stating that the two criminal cases are registered in Crime Nos.134 and 178 of 2023. Both the criminal cases are under investigation.

4. The learned counsel for the petitioner would submit that the Police are not expediting the investigation nor initiating action against the accused person.

5. It at all she is aggrieved, she has to approach the Competent Court of Law for redressal of her grievances. Writ Court cannot issue any direction in respect of the pending criminal cases, which all are under the investigation.

6. As far as the complaint submitted by the petitioner before the Bar Council of Tamil Nadu and Puducherry is concerned, the Bar Council under the provisions of the Act and Rules have to form a *prima facie* opinion and if they found that there is any reason to believe that a case is to be referred for



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further action, then a decision is to be taken in the manner known to law.

Therefore, the petitioner is at liberty to pursue the criminal case, which has already been registered and if any grievances exist, she has to approach the Competent Criminal Court of Law. As far the Bar Council complaint is concerned, the petitioner is at liberty to pursue the same and Bar Council shall look into the complaint and take a decision.

7. With these liberty, this Writ petition stand disposed of. No costs.

[S.M.S., J.] [C.K., J.]
25.06.2024
(2/3)

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



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To

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and
C.KUMARAPPAN, J.

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