



W.P.No.40281 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2024

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

W.P.No.40281 of 2015

V.K.Sethukumar .. Petitioner in Person

Vs.

1. The Advocate General of Tamil Nadu
High Court of Madras, Chennai – 600 104.

2. K.Ranganathan

3. K.Rajarajan

4. N.Chockalingam

5. E.T.Rajendran @ Rasentheran

6. N.Sampath

7. Thiruvengadam

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking a writ of certiorari, calling for the records relating to the order dated 05.11.2015 in Application No.05 of 2015 on the file of the First Respondent, quash the same and consequently permit the petitioner to initiate criminal contempt proceedings against the respondents 2 to 7 herein.

Petitioner in Person : Mr.V.K.Sethukumar

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



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No Appearance for R2

ORDER

(Delivered by the Hon'ble Mr. Justice S.M.SUBRAMANIAM)

The order passed by the learned Advocate General of Tamil Nadu in proceedings dated 05.11.2015 is sought to be assailed in the present writ proceeding. The petitioner in person is an advocate in the State Roll of the Bar Council of Tamil Nadu and Puducherry.

2. The grievance of the petitioner is that the Bar Council of Tamil Nadu and Puducherry has issued several notices without any cause and disciplinary proceedings were initiated against him without any evidences or basis and the order of punishment was imposed.

3. However, the punishment imposed by the Bar Council of Tamil Nadu and Puducherry was set aside by the Bar Council of India. The petitioner was exonerated from the disciplinary proceedings. Simultaneously, the petitioner instituted a petition before the learned Advocate General under Section 15 of the

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Contempt of Courts Act, 1971.

4. In respect of the disciplinary proceedings initiated by the State Bar Council under the provisions of the Advocates Act, 1961, the learned Advocate General may not be in a position to initiate contempt proceedings under the Contempt of Courts Act, 1971. Therefore, we do not find any infirmity in the order passed by the learned Advocate General of Tamil Nadu. However, the Bar Council of Tamil Nadu and Puducherry has to ensure that the actions initiated against the Advocates are conducted in a fair and impartial manner so as to ensure that the Advocates in the State Roll are not unnecessarily harassed under the guise of disciplinary proceedings.

5. It is needless to state that all the Advocates in the State Roll are to be protected and their rights and interests are to be safeguarded. However, in the event of any complaint or misconduct, actions are to be initiated strictly by following the due process.



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6. The writ petition, accordingly, stands dismissed. There shall be no order as to costs.

(S.M.S., J.)

(C.K., J.)

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Index : Yes/No

Neutral Citation : Yes/No

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To:

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High Court of Madras, Chennai – 600 104.



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S.M.SUBRAMANIAM, J.

AND

C.KUMARAPPAN, J.

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