



WEB COPY



W.P.No.8651 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2024

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN
AND
THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

W.P. No.8651 of 2024 and W.M.P. No.9635 of 2024

M. Rajendran

Petitioner

v

- 1 The Secretary
Bar Council of Tamil Nadu and Puducherry
Chennai 600 104
- 2 The Disciplinary Committee No.II
Bar Council of Tamil Nadu & Puducherry
Chennai 600 104
- 3 Sundari
- 4 Siva
- 5 Lakshmi
- 6 Thangam

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records in D.C.C. No.207 of 2023 pertaining to Complaint No.279 of 2023 on the file of the second respondent and quash the same.



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For petitioner Mr. Krishnamurthy
 for K.M. Malarvannan

For RR 1 & 2 Mr. C.K. Chandrasekar

ORDER

(made by R. MAHADEVAN, J.)

The petitioner seeks quashment of the case in D.C.C. No.207 of 2023 on the file of the second respondent which was taken up on file by the first respondent and transferred to the file of the second respondent, pursuant to the complaint dated 08.06.2023 lodged by the private respondents.

2 The petitioner's case, in brief, is as under:

The private respondents filed a complaint dated 08.06.2023 before the first respondent against the petitioner, who is a practising Advocate, alleging certain acts of professional misconduct. The said complaint was taken on file by the first respondent as Complaint No.279 of 2023. The first respondent, finding *prima facie* case against the petitioner, referred the complaint to the second respondent, viz., Disciplinary Committee No.II, for enquiry and disposal, which was taken on file by the second respondent as D.C.C. No.207 of 2023 and it is this case which is sought to be quashed in this writ petition.



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3 The gist of the petitioner's grievance is that, before the second respondent, the complainants, instead of filing proof affidavit, had filed a second complaint containing allegations in addition to the ones contained in the first complaint and he was asked to cross-examine them; when the petitioner asked the second respondent as to how he could cross-examine the complainants without proof affidavit being filed by them, the second respondent had replied that they being illiterate, they cannot be expected to file proof affidavit.

4 The sum and substance of the argument of the learned counsel for the petitioner is that the second respondent conducts the enquiry without following the due procedure by entertaining a second complaint in addition to the first complaint and hence, the same has to be quashed.

5 The learned counsel for the respondents 1 and 2 submitted that the case is conducted as per the established procedure and hence, the writ petition is liable to be dismissed.

6 Considering the apprehension expressed by the petitioner against the second respondent and as agreed to by the learned counsel appearing for the petitioner as well as the respondents 1 and 2, this Court suggests that the case in



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DCC No. 207 of 2023 pending on the file of the second respondent, be placed before the Disciplinary Committee - IV of the Bar Council of Tamil Nadu and Puducherry, which in turn, shall hear the case and dispose of the same, purely on merits and in accordance with law, of course, after affording reasonable opportunities to all the parties concerned, including the respondents 3 to 6 herein. In view of such opportunity now ordered to be given to the respondents 3 to 6, notice to them is dispensed with.

Accordingly, this writ petition stands disposed of, sans costs. Connected W.M.P. stands closed.

[R.M.D, J.] [M.S.Q, J.]

cad/rk

05.04.2024

To

- 1 The Secretary
Bar Council of Tamil Nadu and Puducherry
Chennai 600 104
- 2 The Disciplinary Committee No.II
Bar Council of Tamil Nadu & Puducherry
Chennai 600 104
- 3 The Disciplinary Committee No.IV
Bar Council of Tamil Nadu & Puducherry
Chennai 600 104



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R. MAHADEVAN, J.

and

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