



W.P.No.10842 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2024

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CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.10842 of 2024

and

W.M.P.No.11954 of 2024

1.C.R.Mahesh Balaje

2.M.Rajasekaran

... Petitioners

Vs.

1.The Secretary,
Bar Council of Tamil Nadu and Puducherry,
Bar Council Building, High Court Campus,
Chennai – 600 104.

2.Jareena Begum

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for records in D.C.C.No.205/2023 in pursuant to the Notice of Hearing dated 22.12.2023 issued by the 1st Respondent based on the resolution passed in Resolution No.714 of 2023 dated 18.10.2023 on the complaint of the 2nd Respondent in Complaint No.271/2023 and quash the same.



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For Petitioner : Mr.K.Mahalingam
For R1 : Mr.M.R.Jothimanian
For R2 : Mr.S.Ganesan

ORDER

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

The writ on hand has been instituted challenging the notice of hearing dated 22.12.2023 issued by the 1st respondent based on the resolution passed in Resolution No.714 of 2023 dated 18.10.2023 on the complaint of the 2nd respondent in Complaint No.271/2023 and quash the same.

2. The 2nd respondent filed a complaint before the Bar Council of Tamil Nadu and Puducherry against the writ petitioners, who all are practising lawyers. The Bar Council of Tamil Nadu and Puducherry found that there is a *prima facie* case against the petitioners and consequently referred the complaint for conducting an enquiry before the Disciplinary Committee duly constituted. The Disciplinary Committee issued notice of hearing to the parties for conducting an enquiry. The said notice is under challenge in the present writ petition.



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3. Notice of hearing or show cause notice issued by the committee for conducting an enquiry would not provide a cause for institution of writ petition unless such notice has been issued by an incompetent authority having no jurisdiction or tainted with allegation of *mala fides*. However no such grounds are established before this Court. Therefore, the parties are to participate in the enquiry proceedings for conducting enquiry by the committee by following due procedures to all the parties concerned.

4. The learned counsel for the 2nd respondent brought to the notice of this Court that the complaint is pending before the Bar Council of Tamil Nadu and Puducherry. Thus, the parties are at liberty to participate in the enquiry proceedings and defend their respective cases. However, this Court is not inclined to entertain the writ petition, since it is filed challenging the notice for hearing issued by the Disciplinary Committee.

5. Mr.M.R.Jothimanian, learned counsel appearing on behalf of the Bar Council of Tamil Nadu and Puducherry would submit that the enquiry proceedings will be concluded within a period of one year as contemplated under the Rules.



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7. With the above direction, this Writ Petition stands dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

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

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



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To

The Secretary,
Bar Council of Tamil Nadu and Puducherry,
Bar Council Building, High Court Campus,
Chennai – 600 104.



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S.M.SUBRAMANIAM, J.
and
C.KUMARAPPAN, J.

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