



WEB COPY



W.P.No.1383 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.P.No.1383 of 2018
and
W.M.P.No.1752 of 2018

T.Sivakumar

... Petitioner

Vs.

1. The Bar Council of Tamilnadu and Puducherry,
Represented by the Secretary,
High Court Campus,
Chennai - 600 104.
2. Mr.K.Sivaraj
3. Vikrama Simhapuri University,
Represented by its Registrar,
Nellore.
4. V.R.Law College,
Represented by its Principal,
Nellore.

[R3 & R4 are impleaded as per order
dated 16.08.2018 by NKKJ & RPAJ
in W.P.No.1383 of 2018]

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of certiorari, calling for the records pertaining to the order passed by the 1st respondent in T.N.E.C.R.No.27 of 2017 dated 27.11.2017 and quash the same.

For Petitioner	: Ms.S.Iswarya for Mr.R.Diwakaran
For R1	: Mr.C.K.Chandrasekar
For R2	: Mr.B.Singaravelu for Mr.P.P.Shanmugasundaram
For R3 & R4	: Mr.s.Sathish Rajan

ORDER

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

The interim prohibitory order prohibiting the writ petitioner from practicing as an Advocate in any court of law in T.N.E.C.R.No.27 of 2017 dated 27.11.2017 is under challenge in the present writ proceedings.

2. Actions were initiated against the petitioner based on the complaint that he was enrolled as an Advocate before the Bar Council during the course of his employment, which is prohibited. Thus, the Bar Council initiated action based on the complaint and having found that there is a *prima facie* case, interim prohibitory order prohibiting the writ petitioner from



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practising as an Advocate was issued. The said interim prohibitory order is under challenge in the present writ proceedings.

3. Since the issues on merits are to be adjudicated based on the pleadings and documents, this Court is not inclined to consider the grounds raised by the petitioner on merits. High Court cannot conduct a roving enquiry in such matters, where the original records are to be verified by the competent Committee constituted under the Act and the Rules.

4. Mr.C.K.Chandrasekar, learned Counsel appearing on behalf of the first respondent/Bar Council would submit that the Enrollment Committee has to consider all the documents and the allegations by affording opportunity to the parties. Therefore, the complaint may be disposed of by the Enrollment Committee by following due process.

5. In view of the fact that the interim prohibitory order is under challenge in the present writ petition, we are inclined to direct the Enrollment Committee to conduct an enquiry and pass final orders on merits and in accordance with law. Accordingly, the first respondent is directed to conduct



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an enquiry as contemplated and by affording opportunity to the parties, pass final orders on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition stands **disposed of**. No costs.

Consequently, connected miscellaneous petition is closed.

[S.M.S.J.] [C.K.J.]
04.06.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

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

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Order in
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