



WEB COPY



WP.No.19125 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

WP.No.19125 of 2024

Boopalan B

Petitioner

Vs

1. Bar Council of Tamil Nadu and Puducherry, Chennai-104

2. Bar Council of India, New Delhi 110002

3. State of Tamil Nadu through Secretary

Ministry of Law Department, Chennai-9

Respondents

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 1st Respondent to add the name of the Petitioner in Enrolment List in Bar Council of Tamil Nadu and Puducherry as per seniority on 30.04.2024 and to ensure that the enrolment Committee to be comprised of three Members only and to direct the 1st Respondent to stop collection of donation and to seize the account of donation taken during enrolment.

For Petitioner : Mr.Boopalan B. (Party in person)

For Respondents : Mr.C.K.Chandrasekar, SC-R1



WEB COPY



WP.No.19125 of 2024

Mr.S.R.Raghunathan, SC-R2
Mr.P.Balathandayutham, SGP-R3

ORDER

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

1. The Writ of Mandamus has been instituted to direct the Respondents to add the name of the Petitioner in the Enrolment List of the Bar Council of Tamil Nadu and Puducherry to enrol him in the Roll of Advocates.
2. This court heard the learned counsel for the Petitioner and the learned Additional Public Prosecutor for the Respondents.
3. It is found that the Petitioner is facing a criminal case and therefore, as on today, he is not eligible to seek for enrolment as an Advocate in the State Roll in view of the judgement of the High Court. The Bar Council of Tamil Nadu and Puducherry is not enrolling any candidate as an Advocate, if any criminal case has been registered against him and pending. Since a criminal case is pending against the Petitioner in the present case, the Petitioner is not eligible to seek for enrolment as an Advocate. However, after disposal of the criminal case, which the Petitioner is facing, the Petitioner is at liberty to resubmit his application, seeking for enrolment as an Advocate in the State Roll, by following the due procedures.



WP.No.19125 of 2024

WEB COPY

4. The Petitioner in person would submit that the Bar Council of Tamil Nadu and Puducherry is forcing the candidates to pay donation at the time submitting applications, seeking enrolment as Advocates. The learned senior counsel for the Bar Council of India and Tamil Nadu would submit that no such donation is compulsorily collected by the Bar Councils from the candidates, who are submitting their applications, seeking enrolment in the State Roll.
5. The Bar Council of Tamil Nadu and Puducherry constituted under the provisions of the Advocates Act are not empowered to collect any amount other than the fees chargeable under the Rules and Regulations. In the event of collecting any excess amount other than the prescribed fees, it is to be viewed seriously when the enrolment charges are already fixed by the Honourable Supreme Court of India. The Bar Council of Tamil Nadu and Puducherry has to collect charges as prescribed under the Rules and Regulations based on the judgement of the Honourable Supreme Court of India.
6. The Petitioner has made specific allegations that compulsory donation was demanded from him. The Bar Councils may not give any room for

S.M.SUBRAMANIAM, J.



WEB COPY



WP.No.19125 of 2024

and
V.SIVAGNANAM, J.

Srcm
such complaints herein after. Thus, the Bar Council of Tamil Nadu and
Puducherry may issue suitable instructions to all their employees to
ensure that no such donations are collected from the candidates, who are
submitting applications, seeking enrolment of their names in the State
Roll.

7. With the above observations and directions, this Writ Petition is
disposed of. No costs.

(S.M.S.J.) & (V.S.G.J.)
05.09.2024

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Neutral Citation
Srcm

To

1. Bar Council of Tamil Nadu and Puducherry, Chennai-104
2. Bar Council of India, New Delhi 110002
3. State of Tamil Nadu through Secretary , Ministry of Law Department,
Chennai-9

WP.No.19125 of 2024