



W.P. No.18500 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2024

CORAM:

THE HON'BLE MR. R. MAHADEVAN, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P. No.18500 of 2020 and W.M.P. No.22941 of 2020

N.R.R. Arun Natarajan

Petitioner

v

1 The Bar Council of Tamil Nadu & Puducherry
represented by its Secretary
High Court Campus
Chennai 600 104

2 The Disciplinary Committee No.III
represented by its Registrar
The Bar Council of Tamil Nadu & Puducherry
High Court Campus
Chennai 600 104

3 K. Radhalakshmi

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records of Resolution No.84 of 2020 dated 31.01.2020 passed by the first respondent in exercise of powers under Section 35 of the Advocates Act, 1961, followed by proceedings in D.C.C. No.74 of 2020 pending on the file of the second respondent and the complaint no.224 of 2019 dated 15.04.2019 filed by the third respondent and quash the same as



W.P. No.18500 of 2020

ultra vires the Advocates Act, 1961, and consequently, forbear the second respondent from conducting further proceedings in D.C.C. No.74 of 2020, pending on the file of the second respondent.

For petitioner	Mrs. Nalini Chidambaram, Sr. Counsel for Mrs. C. Uma
For RR 1 & 2	Mr. C.K. Chandrasekar Standing Counsel
For R3	Mr. Subba Reddy for Mr. P. Dhananjayan

ORDER

(Order of the court was made by the Acting Chief Justice)

The resolution no.84/2020 dated 31.01.2020 passed by the first respondent, the proceedings in D.C.C. No.74 of 2020 on the file of the second respondent and the complaint No.224/2019 dated 15.04.2019 preferred by the third respondent are sought to be quashed in this writ petition filed by a practising advocate.

2 The case of the petitioner in brief, as culled out from his affidavit, is as under:

2.1 The petitioner is a practising advocate. The third respondent lodged a complaint dated 15.04.2019 against the petitioner and one M.Babu Barveez, advocates, before the first respondent – Bar Council.



W.P. No.18500 of 2020

2.2 The crux of the third respondent's complaint is that she is a landlord; in the cases between her and her tenants, one advocate by name Venkata Varathan appears for the tenants; while so, the signature of one of the tenants, viz., Rajan, was forged by one J. Edwin Navis in one page affidavit and vakalathnama, which was attested by the petitioner for the cases heard by the Madras High Court and by one Vikas Mehta, advocate, for the cases heard by the Supreme Court; hence, the complaint given to take action against the said Edwin Navis who forged the signature of Rajan by referring the matter to Nandambakkam Police Station for registration of FIR against Edwin Navis.

2.3 In response, the petitioner filed a counter affidavit dated 27.08.2019 before the first respondent, *inter alia*, stating that since the said Rajan was a client of his colleague, Venkata Varathan, he attested the vakalathnama and one page affidavit under the *bona fide* belief that it was signed by the said Rajan and that he has been unnecessarily implicated in the complaint by the third respondent.

2.4 However, the first respondent, *vide* resolution dated 31.01.2020, referred the matter to the Disciplinary Committee-III, the second respondent, for enquiry in accordance with law, which was taken on file by the second



W.P. No.18500 of 2020

respondent as D.C.C. No.74 of 2020.

WEB COPY

2.5 Thus, as stated in the opening paragraph, seeking quashment of the third respondent's complaint, the first respondent's resolution and the case on the file of the second respondent, this writ petition has been filed.

3 The main grounds urged by the petitioner are that:

a. the impugned resolution does not state as to how the petitioner is guilty of professional misconduct as per Section 35(1) of the Advocates Act, 1961, and that in any event, the petitioner ought to have been afforded an opportunity of personal hearing before passing of the resolution;

b. even as per the prayer in the complaint, the third respondent does not seek any action against the petitioner, but, only against the said Edwin Navis by referring the matter to Nandambakkam Police Station for the purpose of registration of FIR against him and thus, in the complaint when no relief is sought against the petitioner, the first respondent ought not to have referred the matter to the second respondent.

Therefore, the petitioner sought to quash the proceedings initiated against him by the first respondent.



W.P. No.18500 of 2020

WEB COPY 4

A counter affidavit dated 24.08.2022 has been filed by the third respondent stating *inter alia*, that one M.Rajan who is her tenant and running an organization in the name and style of M/s.Grace Enterprises, vacated the property. However, one Edwin Navis, who happened to be Vice President of Tenants Association, called Telace Industrial Estate, Industries Owners Association occupied the said property unlawfully and he is in possession of the same. Further, the said Edwin Navis is the person collecting rent from all the tenants even though the tenants are not interested to continue the cases and he only instigated them and went to the extent of signing their signatures in the vakalat and is continuing the cases before the High Court as well as the Hon'ble Supreme Court. The counter affidavit further proceeds to state that the petitioner though signed the vakalat as if it is his brief, but it is not his brief. It is ultimately stated therein that the third respondent seeks to withdraw her complaint before the first respondent against the petitioner without prejudice to the criminal proceedings against Edwin Navis and others.

5 Heard all the parties.

6 From a perusal of the records, it is seen that the complaint no.224



W.P. No.18500 of 2020

of 2019 filed by the third respondent under section 35 of the Advocates Act,

1961, against the petitioner was received by the first respondent and was placed

before the disciplinary committee, which, *vide* resolution no.84 of 2020 dated

31.01.2020, referred the matter to the second respondent for enquiry and

disposal. Pursuant to the same, the second respondent has taken up the case as

DCC No.74 of 2020 and sent notice to the parties. In such circumstances, the

petitioner has preferred this writ petition seeking to quash the disciplinary

proceedings initiated against him. However, the third respondent in her counter

affidavit filed in this writ petition, has categorically stated that she withdraws

the complaint filed against the petitioner before the first respondent.

7 It is also seen that by memo dated 05.04.2024, the petitioner has brought to the notice of the second respondent, the factum of the filing of the counter affidavit by the third respondent in this writ petition, stating that she is withdrawing her complaint No.224 of 2019 renumbered as DCC No.74 of 2020 initiated against the petitioner herein.

8 During the course of hearing, the learned senior counsel for the petitioner drew the attention of this court to the memo dated 01.05.2024 filed by the petitioner before this court, wherein, it is *inter alia* stated as follows:



W.P. No.18500 of 2020

WEB COPY

"1. I am the Counsel for the petitioner herein. In view of the controversy relating to the signature of one of the tenants namely Mr.Rajan, we undertake that we will not appear for any of the tenants in the group. Mr.Rajan himself physically came to our office and gave a letter dated 01.04.2019 addressed to the Advocate on Record to withdraw SLP(C) No.32923 of 2018 filed in his name. Only a meagre fees was paid by the tenants and out of sympathy we were appearing for the tenants. Mrs. Nalini Chidambaram our Senior Counsel has not been appearing physically in the Supreme Court for the past one year. The SLPs relating to the genuine tenants will be handled only by the Advocate on Record. The Advocate on record will only appear for genuine Tenants in the pending SLPs.

2..

3. Regarding of the withdrawal of Writ Petitions and Writ Appeals, I hereby revoke my vakalath and henceforth stop appearing in the following Writ Petitions / Writ Appeals:

- (1)WP No.4765 of 2011
- (2)WP No.4760 of 2011
- (3)WP No.5057 of 2011
- (4)WP No.4920 of 2011
- (5)WA No.395 of 2011
- (6)WA No.452 of 2011

We have not committed any professional or personal misconduct in dealing with the above cases.

...."

9 Further, the learned senior counsel for the petitioner filed an affidavit dated 01.05.2024 of Mr.R.Venkata Varathan, wherein, it is *inter alia* stated that he revokes his vakalath and he will henceforth stop appearing for the petitioners in the cases before the Madras High Court, Poonamallee Court and before the Courts where the eviction petitions are pending; and further, he will not handle any case in the executing court relating to the tenants as against Radhalakshmi. It is also stated in the said affidavit that he revokes his vakalath



W.P. No.18500 of 2020

and he will not appear in CRP No.477 of 2014.

WEB COPY

10 The learned counsel for the third respondent has also conceded the factum of withdrawal of the complaint filed by the third respondent against the petitioner herein. However, he sought liberty to the third respondent to take appropriate civil and criminal action in the manner known to law against J.Edwin Navis and others, who are involved in fabrication of the documents by impersonation.

11 In view of the above turn of events, this court is of the opinion that the proceedings in D.C.C. No.74 of 2020 pending on the file of the second respondent arising out of the complaint which is now withdrawn by the third respondent, has no legs to stand and hence, the same is quashed as against the petitioner herein.

12 As a sequel, this writ petition stands allowed, however, with liberty as sought by the learned counsel for the third respondent adverted to in paragraph 10, *supra*. No costs. Connected C.M.P. stands closed.

cad

[R.M.D, ACJ.] [M.S.Q, J.]
05.07.2024



W.P. No.18500 of 2020

WEB COPY

- 1 The Secretary
The Bar Council of Tamil Nadu & Puducherry
High Court Campus
Chennai 600 104
- 2 The Registrar
Disciplinary Committee No.III
The Bar Council of Tamil Nadu & Puducherry
High Court Campus
Chennai 600 104



WEB COPY



W.P. No.18500 of 2020

THE HON'BLE ACTING CHIEF JUSTICE

and

MOHAMMED SHAFFIQ, J.

cad/rk

W.P. No.18500 of 2020

05.07.2024