



W.P.No.20133 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

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

W.P.No.20133 of 2024
and
W.M.P.No.22039 of 2024

V.Senthil

... Petitioner

Vs.

1. The Secretary,
Bar Council of Tamil Nadu & Puducherry,
Madras High Court Buildings,
Chennai - 600 104.
2. The Secretary,
Bar Association Tambaram,
Combined Court Buildings,
Tambaram,
Chennai - 600 045.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the records pertaining to the impugned resolution based on which the Notification issued by the Bar Association, Tambaram, the 2nd respondent herein dated 11.07.2024 and quash the same.



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For Petitioner : Mr.G.Karthikeyan
Senior Counsel
for Mrs.A.Jagadeeswari

For R1 : Mr.C.K.Chandrasekhar

For R2 : Mr.P.Santhaseelan

ORDER

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

The impugned order issued by the Bar Association, Tambaram against the writ petitioner is offending his basic right to practice law in Court premises.

2. Mr.G.Karthikeyan, the learned Senior Counsel appearing on behalf of the petitioner would submit that the petitioner has been suspended from the Bar Association merely because he attended the Court contrary to the decision taken by the Bar Association, Tambaram.

3. Boycott of Lawyers are dealt with by the Hon'ble Supreme Court of India in many Judgments and the Apex Court in an unequivocal terms held



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that one day boycott would be the last resort of any Bar Association and there cannot be any continuous boycott by Lawyers, which would affect the rights of the litigants and also the Justice Delivery System.

4. Mr.P.Santhaseelan, the learned Counsel appearing on behalf of the 2nd respondent would strenuously oppose by stating that the petitioner has abused the Members of the Bar Association and he is frequently causing inconvenience to the Members of the Bar Association. Thus, the decision taken by the Bar Association, Tambaram is on compelling circumstances. Thus, the writ petition is to be rejected.

5. The allegation against the writ petitioner is that he attended the Court proceedings contrary to the decision taken by the Bar Association, Tambaram not to attend the Court proceedings. However, the learned Counsel for the 2nd respondent would deny by stating that the Bar Association has not prevented any Lawyers from attending Court proceedings.

6. May that as it be, the Bar Association is not empowered to



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prevent or restrain any Advocate from appearing before the Courts. Practice of Law is a fundamental right enunciated under the Constitution. Advocates Act also provides right to Lawyers to practice before all the Courts. Such right cannot be taken away by merely suspending a Member of the Bar Association or causing inconvenience to him from practising Law in Court premises.

7. It is needless to state that Advocates are expected to maintain cordial relationship with the Members of the Bar Association, so as to ensure that the Court functionings are not obstructed.

8. In view of the facts and circumstances, we find that the impugned order passed by the Bar Council, Tambaram is unnecessary and such attempt hereinafter to be avoided by the Bar Association. Freedom of speech and practice being basic right, the Members of the Bar Association is expected to respect the rights of others. While demanding right correspondingly duties are to be reminded.

9. Accordingly, the impugned order dated 11.07.2024 is quashed and the Writ Petition stands **allowed**. No costs. Consequently, connected



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miscellaneous petition is closed.

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[S.M.S., J.] [C.K., J.]
02.08.2024

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