



WEB COPY



W.P.No.22425 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P.No.22425 of 2024

Karthik Ranganathan

... Petitioner

Vs.

1.Bar Council of Tamil Nadu & Puducherry,
Represented by its Secretary,
High Court Campus,
Chennai-600 104.

2.V.Raj

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records and a direction to quash the resolution passed by the first respondent in Resolution No.87/2024 dated 23.02.2024 in dropping the complaint dated 31.07.2023 filed by the petitioner and further be pleased to direct the first respondent to refer the said complaint to the disciplinary committee of the first respondent to proceed with the enquiry against the second respondent in accordance with law.

For Petitioner	: Mr.Karthik Ranganathan (Party in Person)
For Respondent	: Mr.C.K.Chandrasekhar Standing Counsel for R1



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ORDER

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

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The resolution passed by the Bar Council of Tamil Nadu and Puducherry and communicated to the petitioner in proceedings dated 16.04.2024 is sought to be assailed in the present Writ Petition.

2.Mr.Karthick Ranganathan, appearing in person would submit that the Bar Council passed the impugned resolution dropping the complaint filed by him under Section 35 of the Advocates Act, 1961. Therefore, no appeal would lie under Section 37 of the Act.

3.Mr.C.K.Chandrasekhar, learned counsel appearing on behalf of the respondents/Bar Council of Tamil Nadu would submit that since the Bar Council has not found any *prima facie* case to entertain the complaint, resolution has been passed dropping of further proceedings on the complaint submitted by the Writ Petitioner. Therefore, such a resolution passed by the bar Council is amenable to revision proceedings under Section 48A of the Advocates Act, 1961. Section 48A of the Act, provides power of revision to the Bar Council of India. Accordingly, the Bar Council of India, may, at any time,



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call for the record of any proceeding under this Act which has been disposed of by a State Bar Council or a committee thereof, and from which no appeal lies, for the purpose of satisfying itself as to the legality or propriety of such disposal and may pass such orders in relation thereto, as it may think fit. Therefore, the power of revision is available to the Bar Council of India under the Advocates Act, 1962.

4.Exhausting the statutory remedy is of paramount importance. High Court ordinarily would not dispense with the alternate remedy contemplated under the statute. The legislative intention to contemplate such a remedy has its own effectiveness. The Bar Council of India is empowered to call for the original records, conduct the enquiry, if required and take a decision on merits. Therefore, the findings of the Bar Council of India, if any, would be of greater assistance to the High Court for the purpose of effective exercise of the power of judicial review under Article 226 of Constitution of India. Thus, the intention of the legislators is to ensure that the aggrieved person are provided with a platform to redress their grievances in an effective manner before the forum/appellant authority. Therefore, the scheme of appellate remedy under the Act at all circumstances to be exhausted before approaching the High Court under Article 226 of Constitution of India.



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5. In view of the facts and circumstances, the petitioner is at liberty to prepare a revision under Section 48A of the Advocates Act. In the event of filing any such revision, the same may be taken on file and disposed of as expeditiously as possible.

6. With the above direction, this Writ Petition stands disposed of. No costs.

[S.M.S., J.]

[V.S.G., J.]

07.08.2024

Index: Yes/No

Speaking/Non-speaking order

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To

1. Bar Council of Tamil Nadu & Puducherry,
Represented by its Secretary,
High Court Campus,
Chennai-600 104.

2. The Public Prosecutor,
High Court,
Madras.



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