



WEB COPY



WP.No.1157 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2024

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

WP.No.1157 of 2022
and
WMP.No.1223 of 2022

B.Rajendran

... Petitioner

Vs.

1. The Secretary,
Bar Council of Tamil Nadu and Puducherry,
High Court Campus,
Chennai-103.
2. Mr.D.Parthasarathi
3. Mr.R.Jaishankar

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the Resolution passed by the first respondent in Resolution No.222 of 2021 dated 30.07.2021 in so far it relates to dropping of Complaint No.162 of 2020 given by petitioner for Professional misconduct against the second and third respondents and further direct the first respondent to take the complaint and to proceed with Disciplinary



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Proceedings against the second and third respondent under Section 35 of the Advocates Act, and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.R.Sreedhar

For Respondents : Mr.C.K.Chandrasekaran
Standing Counsel for R1
Mr.A.Md.Asghar Ali for R2
Mr.K.Elango for R3

ORDER

[Order of the Court was made by **S.M.SUBRAMANIAM, J.**]

The complaint lodged by the writ petitioner has been rejected by the Bar Council of Tamil Nadu. The learned counsel for the petitioner would submit that the serious allegations raised against the respondent/Advocate has not been looked into by the Bar Council of Tamil Nadu in a right perspective and with reference to the misconduct under Section 35 of the Advocates Act.

2. The learned counsel appearing for the Bar Council of Tamil Nadu would submit that the vital aspect in the allegations set out by the complaint has not been looked into by the Bar Council during the relevant point of time



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and they will review the entire decision and pass fresh orders on the complaint filed by the petitioner. In view of the said submission, the order impugned dated 30.07.2021 in Resolution No.222 of 2021 in complaint no.162 of 2020 is quashed and the matter is remanded back to the Bar Council of Tamil Nadu and Puducherry for considering the complaint filed by the petitioner afresh and take a decision on merits and in accordance with law. Such exercise is directed to be completed within a period of two months from the date of receipt of a copy of this order.

3. Accordingly, this writ petition stands allowed. No costs. Consequently, connected WMP is also closed.

[S.M.S., J.] [C.K., J.]
02.07.2024

kmi

Index : Yes

Speaking order : Yes

Neutral Citation : Yes/No

To

1. The Secretary,
Bar Council of Tamil Nadu and Puducherry,
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and
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