



W.P.No.28783 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.28783 of 2024

A.P.Murugan

... Petitioner

Vs.

The Principal District Judge,
Tiruppur District,
Tiruppur.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order dated 16.08.2024 in D.No.6603/2024 passed by the respondent and quash the same and consequently direct the respondent to recognize the petitioner as the registered clerk of Mr.N.Anandhan, Advocate, having enrollment No.M.S.No.670 of 1990 and to make necessary entries in the relevant records.

For Petitioner : Mr.N.Ponraj

For Respondent : Mr.V.Chandrasekaran

ORDER

This Writ Petition has been filed seeking for a Writ of



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Certiorarified Mandamus, to call for the records relating to the order dated 16.08.2024 in D.No.6603/2024 passed by the respondent and quash the same and consequently, direct the respondent to recognize the petitioner as the registered clerk of Mr.N.Anandhan, Advocate, having enrollment No.M.S.No.670 of 1990 and to make necessary entries in the relevant records.

2. Mr.V.Chandrasekaran, learned counsel, accepts notice on behalf of the respondent. In view of the consent view expressed by the learned counsel for the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that, since 1979, he worked as an advocate clerk in courts situated at Dharapuram. From the year, 1981, he started working under S.Balasubramanian, an advocate and registered himself as a clerk under the Advocates' Clerk Rules, 1988 vide Certificate No.9/1991. Thereafter, the said advocate died on 21.09.2020 and after his demise, he joined as an advocate clerk with one N.Anandhan, who is one of the juniors of the said advocate S.Balasubramanian. He gave a representation before the 1st respondent



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dated 31.05.2024 requesting to recognize him as the clerk of the said N.Anandhan. However, the same was rejected by the respondent vide impugned order dated 16.08.2024. Challenging the same, the petitioner has filed the present writ petition before this court.

4. Learned counsel appearing for the petitioner, on instructions, submits that, even a bare perusal of the impugned order reveals that, no reason has been assigned by the respondent for rejection of the petitioner's representation, which is a non-speaking order and the same is *per se* unsustainable. Accordingly, he prays for allowing the writ petition.

5. Per contra, learned counsel appearing for the respondent submitted that, though the impugned order did not contain any details, however, it is true that the petitioner along with Sarishtadar stolen the promissory notes from the suit bundles filed by him. Further, by relying upon the letter in D.No.7887/2024, dated 30.09.2024 of the respondent, submitted that, originally, the petitioner was working as a clerk of Mr.S.S.Thangavelu, an Advocate Clerk between 1979 to 1990 and after his demise, from the year 1981, he started working under



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S.Balasubramaniam, as Advocate Clerk and registered himself as a clerk and thereafter, he filed an application. However, while he was working as a registered clerk, the petitioner in collusion with Sarishtadar Mr.V.Baskaran, had stolen promissory notes from the suit bundles in O.S.Nos.170 to 174 of 2015. In this regard, the Subordinate Judge, Dharapuram has sent a letter in D.No.407 of 2015 dated 29.07.2015 to the Registrar (Vigilance), High Court, Madras, seeking permission to lodge a police complaint against the said Sarishtadar and permission was also granted to lodge a complaint. When the criminal case is pending against the petitioner, no registration can be made in favour of the petitioner. Accordingly, he prays for dismissal of the writ petition.

6. Heard the learned counsel for the parties and perused the materials available on record.

7. It is discernible from the records that a complaint has been given by the Subordinate Judge, Dharapuram against the petitioner for theft of promissory notes collusion with Sarishtadar Baskaran in the suit bundles. After getting appropriate permission from the High Court of Madras, a complaint has been lodged against the petitioner and the said



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Baskaran and subsequently, an FIR in Crime No.951 of 2015 has been registered for the offence u/s 380 IPC and the investigation is still pending.

8. Further, it is seen from the records that, previously, the petitioner had made an application for issuance of certificate of registered Advocate Clerk during the year 2019 and the same was rejected by the then Principal District Judge, Tiruppur in A.No.162 of 2019 dated 22.10.2019 for the reasons stating that the criminal case is pending and the petitioner is not a desirable person for grant of certificate of registration and he is not qualified the same as per Rule 7 of Advocate Clerks Rules, 1988.

9. Therefore, this court is of the view that, since the petitioner has involved in a criminal case of theft of promissory notes from the court custody, he is not a desirable person for grant of certificate of registration and he is not qualified for the same. In view of the same, the application of the petitioner was rejected by the respondent as per the Advocate Clerk Rules, 1988, which cannot be said to be perverse, illegal or arbitrary and the same does not warrant any interference at the hands of



this Court.

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M.DHANDAPANI, J.

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10. For the reasons aforesaid, this court finds no infirmity in the order impugned herein and, therefore, this writ petition fails and the same is dismissed. However, liberty is granted to the petitioner to workout the remedy after disposal of the criminal case in the manner known to law.

No costs.

01.10.2024

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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To

The Principal District Judge,
Tiruppur District,
Tiruppur.

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