



W.P.No.30113 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM :

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

**W.P.No.30113 of 2024
and
WMP Nos.32817 & 32822 of 2024**

K. Ibrahim Kutty

... Petitioner

Vs

1. The Secretary,
Bar Council of Tamil Nadu and Puducherry,
Bar Council Building,
High Court Campus,
Chennai 600 104.

2. Ganesan. S (Ms No.2846/2021)

3. The Additional Director,
Directorate of Revenue Intelligence,
G.N.Chetty Road, T.Nagar,
Chennai 600 017.

.... Respondents

PRAYER: This Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the first respondent to make thorough enquiry on the petitioner's representation dated 18.01.2024 and



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subsequent reminder dated 21.03.2024 and consequently, take appropriate action on the same, by removing the 2nd respondent from the rolls of the Bar Council of Tamil Nadu and Puducherry, for playing fraud on the 1st respondent.

For Petitioner : Mr. M. Radhakrishnan,
for Mr.P.Venkatesan

For Respondents : Mr. C.K. Chandrasekar,
Senior Council for BCT
for R1

: Ms.S.P.Arthi, for R2

ORDER

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

The writ of Mandamus has been instituted to direct the first respondent to make thorough enquiry on the petitioner's representation dated 18.01.2024 and subsequent reminder dated 21.03.2024.

2. Mr. M.Radhakrishnan, learned counsel for the petitioner would submit that the 2nd respondent enrolled as an advocate in the Bar Council of Tamil Nadu and Puducherry by suppressing the fact that he was facing a



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criminal case, which was pending on the date of filing of the application seeking enrollment.

3. With reference to the allegations, Mr.C.K.Chandrasekan, learned senior counsel appearing on behalf of the Bar Council of Tamil Nadu and Puducherry submitted the original files along with the original application filed by the 2nd respondent before the Bar Council of Tamil Nadu and Puducherry . In column No.13(a) and (b) shows as under:-

" 13(a) Have you ever been convicted previously by any Court in India ? If so give details - No.

(b) Is there any pending criminal proceedings against you ? If so give particulars - No."

With reference to the allegations Mr.C.K.Chandrasekar would submit that the complaint filed by the petitioner has been taken on file in complaint No.448 of 2024. Thus, an enquiry by following due procedures has to be conducted by affording opportunity to all the parties including the 2nd respondent.



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4. The learned counsel for the 2nd respondent would submit that the criminal case was quashed.

5. That being so, the 2nd respondent is at liberty to submit his defence statement along with the documents, if any, to the Bar Council of Tamil Nadu and Puducherry for passing all appropriate actions. The Bar Council of Tamil Nadu and Puducherry may proceed with the enquiry and conclude the same as expeditiously as possible.

6. With the above directions, this writ petition stands disposed of. No costs. Consequently connected miscellaneous petitions are closed.

[S.M.S., J.]

[V.S.G., J.]

23.10.2024

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

mrp



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To

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1. The Secretary,
Bar Council of Tamil Nadu and Puducherry,
Bar Council Building,
High Court Campus,
Chennai 600 104.
2. The Additional Director,
Directorate of Revenue Intelligence,
G.N.Chetty Road, T.Nagar,
Chennai 600 017.1. The Chairman,
Bar Council of Tamil Nadu and Puducherry,
Bar Council Buildings,
NSC Bose Road,
Chennai 600 104.

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WEB COPY



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AND
V.SIVAGNANAM, J.

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