



W.P.No.32025 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM :

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

W.P.No.32025 of 2024

R.Perumal Swamy

... Petitioner

Vs.

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

2.Jasmin Vaila

3.R.Inbaraj ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for the entire records relating to the impugned notice issued by the 1st respondent in his proceedings Confl.No.3155 of 2024, dated 28.08.2024 and quash the same.



W.P.No.32025 of 2024

For Petitioner : Mr.C.Prakasam for
M/s.N.Karpagalakshmi
For Respondents : Mr.C.K.Chandrasekhar
(Senior Counsel) for R1

ORDER

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

The impugned notice issued by the first respondent in proceedings Confl.No.3155 of 2024, dated 28.08.2024 is sought to be quashed in the present Writ Petition.

2.No Writ Petition against show cause notice is entertained in a routine manner. A Writ would be entertainable only if such show cause notice has been issued by an incompetent authority having no jurisdiction or allegation of malafides are raised. Even in case of raising an allegation of malafies, the authority against whom such allegations are raised must be impleaded as party/respondent in their personal capacity. In all circumstances, on receipt of show cause notice, the person concerned is expected to submit their defence statement along with the documents if any, to the authority concerned for taking a decision. Mere show cause notice would not provide any cause for institution of Writ proceedings and that being the legal principles settled in present Writ



W.P.No.32025 of 2024

Petition filed challenging the show cause notice deserves no merit

consideration. The disputed facts relating to the merits cannot be adjudicated by the High Court in a Writ proceedings under Article 226 of the Constitution of India. Such adjudication must be done by the competent authority initially and by the appellant authority thereafter. The findings of the original authority and the appellate authority would be of greater assistance to the High Court for the purpose of exercise of the powers of judicial review under Article 226. Therefore, the petitioner is at liberty to submit his explanations/defend statement if any along with the documents to the respondent enabling them to consider the same and take a decision in accordance with law.

3. Accordingly, this Writ Petition stands dismissed. No costs.

[S.M.S., J.]

[V.S.G., J.]

28.10.2024

Index: Yes/No

Speaking/Non-speaking order

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W.P.No.32025 of 2024

To

WEB COPY The Secretary

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W.P.No.32025 of 2024

S.M.SUBRAMANIAM, J.
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ep

W.P.No.32025 of 2024

28.10.2024