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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2024

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.SIVAGNANAM

W.P.Nos.27839 of 2018 & 15810 of 2017

W.Peter Ramesh Kumar .. Petitioner in both the W.P's

v.

1. The Chairman
The Bar Council of India
No.21, Rouse Avenue
Institutional Area
New Delhi

2. The Secretary
The Bar Council of Tamil Nadu
and Puducherry
High Court Buildings
Chennai 600 104 .. Respondents 1 & 2 in both the W.P's

3. Thiru.D.Selvam
the Then Chairman of the
Bar Council of Tamil Nadu
and Puducherry .. 3rd Respondent in W.P.No.27839/18

W.P.No.27839 of 2018 is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling

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for the records relating to the life ban order passed in BCT Tr.Case No.133/2016 dated 25.02.2018, passed by the 1st respondent and quash the same and consequently permit the petitioner to practice as an advocate.

W.P.No.15810 of 2017 is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the concerned records relating to the order No.Nil dated 22.09.2015 passed by the 1st respondent and quash the same and consequently directing the respondents to permit the petitioner to practice.

For Petitioner :: Mr.R.Sankarasubbu

For Respondents :: Mr.S.R.Raghunathan
Standing Counsel for R1/BCI
No appearance for R2 & R3

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

The petitioner was convicted and sentenced to undergo six months simple imprisonment along with fine of Rs.2,000/- in a suo-motu contempt proceedings in Cont.P.(MD) No.1449 of 2015 by the order dated 22.02.2016. The appeal made before the Supreme Court was dismissed. The petitioner paid the fine and underwent the period of imprisonment.

2. In the meanwhile, the Chairman of the Bar Council of India issued

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the notice dated 22.09.2015 to the petitioner, which is the subject matter of challenge in W.P.No.15810 of 2017 and finally the Disciplinary Committee of the Bar Council of India, by order dated 25.02.2018 in BCI Tr.Case No.133/2016, imposed the punishment of removal of the name of the petitioner from the rolls of the State Bar Council, which is the subject matter of challenge in W.P.No.27839 of 2018.

3. Nine years lapsed. The petitioner has now taken out Sub Application No.924 of 2024 seeking to purge him of the contempt enabling him to restore his practice, in view of Rule 14 of the Madras High Court Rules, 1970 framed under Section 34(1) of the Advocates Act, 1961.

4. Mr.S.R.Raghunathan, learned Standing Counsel appearing for the first respondent/BCI assisted this Court to form an opinion by producing number of judgments on the issue relating to purging of contempt.

5. Mr.R.Sankarasubbu, learned counsel appearing on behalf of the petitioner would submit that the review application filed before the Bar

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Council of India is pending and only in the event of purging the petitioner of the contempt, the Bar Council of India may consider the case of the petitioner for reviewing the order of removal passed against him.

6. We are of the considered opinion that the petitioner has to ventilate his grievance before the first respondent/BCI. The facts would reveal that the petitioner was removed from the rolls of the State Bar Council by the order of the first respondent. Against the order made by the Disciplinary Committee of the Bar Council of India, under Section 36, an appeal lies to the Supreme Court. However, the petitioner filed a review application under Section 44 of the Advocates Act, 1961. Mr.S.R.Raghunathan, learned counsel appearing for the BCI would submit that in the event of availability of any such review application on file, the same will be taken up for adjudication. Otherwise, the petitioner has to file a fresh review application.

7. In view of the above, the petitioner is at liberty to pursue his review application, if at all pending or file a fresh review application by following the procedures as contemplated under the Advocates Act and

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Rules. In the event of receiving any such review application, the first respondent/BCI may consider the same on merits and in accordance with law as expeditiously as possible. With these observations, both the writ petitions are disposed of. Consequently, W.M.P.Nos.31336, 32359, 32361 of 2018, 17117, 17118 of 2017 and Sub Application No.924 of 2024 are closed. No costs.

Index : yes (S.M.S.,J.) (V.S.G.,J.)
Neutral citation : yes/no 29.10.2024

ss

To

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   The Bar Council of India
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   Institutional Area
   New Delhi

2. The Secretary
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AND

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