



W.P.(MD) No.25536 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.25536 of 2024
and
W.M.P.(MD)No.21655 of 2024**

Ramaraj

... Petitioner

-vs-

1.The Additional Registrar (General),
Hon'ble Madurai Bench of Madras High Court,
Maudrai – 625 023.

2.Kaleeswari,
Additional District Munsif cum Judicial Magistrate,
Sivagiri,
Tenkasi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to take appropriate action against the 2nd respondent, by conducting an enquiry based on the petitioner's representation dated 27.09.2024.

For Petitioner

: Mr.P.Krishnasamy

For Respondents

: Mr.Samidurai, Standing Counsel

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.Samidurai, learned Standing Counsel takes notice for the



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respondents.

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2.The petitioner seeks action against the learned Additional District Munsif cum Judicial Magistrate, Sivagiri, for having denied permission to him to appear in a case before the said Magistrate.

3.The petitioner was a Judicial Magistrate cum Civil Judge, Junior Division, in the services of the District Judiciary. After having relinquished office, he has enrolled himself as an Advocate in 2008 and he claims to have been practicing. The learned Magistrate has rejected permission to the petitioner to appear before him on the ground that Rule 7 of the Bar Council of India Rules, substituted with effect from 28.09.2013, bars a formal Judicial Officer from appearing in any Court or Tribunal presided by an Officer equivalent to or lower to the post, which the said Officer lastly held. This Rule very clearly bars the petitioner from practicing in the Courts of Judicial Magistrates in Tamil Nadu. The Proviso makes it clear that this Rule would apply only to Courts Subordinate to the High Court, under whose jurisdiction the erstwhile Officer was serving. Hence, we are unable to fault the Magistrate for having denied permission to the petitioner to practice in the Magistrate's Court.

4.The Writ Petition is therefore, dismissed. No Costs. Consequently, connected miscellaneous petition is closed.



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5. We are given to understand that this is a recurring issue and hence, we direct the Registry to place the papers before the Hon'ble Chief Justice for circulating this order to all Subordinate Courts.

[R.S.M., J.]

[L.V.G., J.]

23.10.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
Mrn

To

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Hon'ble Madurai Bench of Madras High Court,
Maudrai – 625 023.
2. The Additional District Munsif cum Judicial Magistrate,
Sivagiri,
Tenkasi District.



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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

Mrn

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