



W.P.(MD) No.30703 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.30703 of 2023

and

W.M.P.(MD)Nos.26392 and 26394 of 2023

M.Vijayarathinam

... Party-in-Person

-Vs-

1.The Registrar (Vigilance),

Madras High Court, Chennai.

2.The Additional Registrar (General),

Madurai Bench of Madras High Court,

Madurai.

3.The Secretary,

Bar Council of Tamil Nadu & Puducherry,

High Court Campus, Chennai-104.

4.The President (MMBA),

Madurai Bench of Madras High Court Bar Association,

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Lawyers Chamber Madurai Bench of Madras High Court,
Madurai.

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5.The General Secretary, (MMBA),
Madurai Bench of Madras High Court Bar Association,
Lawyers Chamber Madurai Bench of Madras High Court,
Madurai.

6.S.Ajmeer Kaja

7.P.Thiagarajan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 3rd respondent to debar the 6th respondent herein from practicing before any of the Courts in Tamil Nadu & Puducherry within the stipulated time fixed by this Court.

For Petitioner : M/s.M.Vijayarathinam
(Party-in-Person)

For R1 & R2 : Mr.D.Venkatesh,
Standing Counsel

For R3 : Mr.T.S.Mohameed Mohideen

ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

This Writ Petition is filed seeking for a direction to the 3rd respondent to debar the 6th respondent from practicing in any of the Courts in Tamil Nadu & Puducherry within the stipulated time fixed by this Court.



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2.The petitioner / Party-in-Person submitted that she is the practicing Advocate at Madurai Bench of Madras High Court, Madurai and she came to know that the 6th respondent, who is also an Advocate, by forging her signature filed Contempt Petition without her knowledge. When the said Contempt Petition was taken up for hearing, since her son was hospitalized for viral fever, she was unable to attend the Court. Therefore, her colleague appeared on behalf of the petitioner and informed the Court that the vakalath in the said petition was not signed by the petitioner. Therefore, this Court adjourned the matter on 16.06.2023 and asked the petitioner to appear on the said date. After discharging the petitioner's son, she came to know that the 7th respondent attested the said vakalath. Therefore, she gave a complaint to the Hon'ble Administrative Judge regarding the said issue, who in turn directed the Registry to take action against the 6th respondent and therefore, the complaint of the petitioner was forwarded to the 3rd respondent and the same was informed to the petitioner by the Registry vide Communication dated 22.06.2023.

3.She further submitted that when that being so, on 17.07.2023, she came to know through her friends that the 6th respondent sent messages about her and her family members in the official association whats' app group (MMBA 1) of



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the 4th respondent. Therefore, she gave a complaint to the association, who in turn, informed the petitioner that the 6th respondent was called for explanation and proceedings against him also initiated. Thereafter, though the respondents 4 and 5 formed disciplinary committee and took evidence from the petitioner, no action had been taken. On 13.07.2023 the 3rd respondent sent a format to the petitioner and asked her to file a complaint against the 6th respondent. Therefore, she filed a complaint and the same was numbered as Complaint No.409 of 2023, which is still pending before the 3rd respondent without any progress. Therefore, the petitioner is constrained to move the present Writ Petition.

4.The learned counsel appearing for the 3rd respondent submitted that notice has been sent to the 6th respondent to appear for enquiry on 23.02.2024 and he has agreed that the said complaint of the petitioner would be enquired and appropriate decision would be taken.

5.Considering the said submissions made on either side and taking note of the serious allegations made against the 6th respondent and the 6th respondent was served with notice, directing to appear for enquiry on 23.02.2024, we are of the view that if such notice was served to the 6th respondent, the 3rd respondent shall proceed with the enquiry and take appropriate decision as early as possible,



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preferably, within a period of twelve weeks from the date of receipt of a copy of the enquiry notice sent to the 6th respondent.

6. With the above directions, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] & [R.V., J.]
13.03.2024

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

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