



W.P.No.11356 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2025

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ**

**W.P.No.11356 of 2021
and W.M.P.No.11995 of 2021**

**K.Mahalingam
Advocate, E.No.Ms.885/1998**

... Petitioner

Vs.

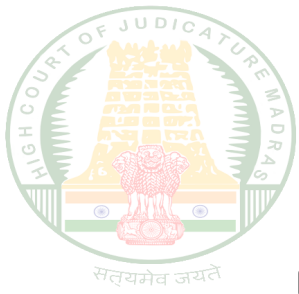
**1. The Secretary,
Bar Council of Tamil Nadu and Puducherry,
High Court Campus, Chennai - 600 104.**

**2. Mrs.Mehrunnisa,
W/o.Late. Hyath Basha**

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for records pertaining to the Notice of hearing dated 12.02.2021 in D.C.C.No.37/2021 issued by the 1st respondent based on the resolution passed in Resolution No.329/2020 dated 19.12.2020 on the 2nd respondent's complaint No.348/2019 dated 16.07.2019 and quash the same.



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W.P.No.11356 of 2021

For Petitioner : Mr.K.Mahalingam
For Respondents : Mr.C.K.Chandrasekaar
Standing Counsel [R1]
Mr.S.Vijayakumar [R2]

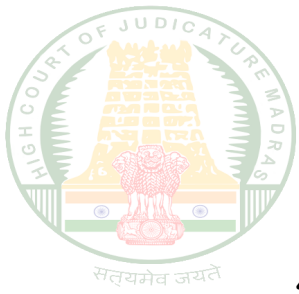
ORDER

(Order of the Court delivered by S.M.SUBRAMANIAM.J.,)

This writ petition has been filed challenging the notice of hearing issued by the Disciplinary Committee of Bar Council of Tamil Nadu and Puducherry in proceedings dated 19.12.2020.

2. It is not in dispute that complaint filed by the contesting respondent was taken on file and the Bar Council of Tamil Nadu and Puducherry passed a resolution and referred the matter to the Disciplinary Committee for conducting an enquiry. The Disciplinary Committee, which was constituted, has issued a notice of hearing and the said notice of hearing is under challenge.

3. No writ against such notice of hearing is ordinarily maintainable and the noticee is expected to appear before the Committee and defend his case.



W.P.No.11356 of 2021

WEB COPY

4. The petitioner, appearing in person, would submit that the matter has now been sent to the Bar Council of India since the period of one year has lapsed. It was also contended that the criminal case registered against the petitioner was quashed.

5. Mere quashing of the criminal case is not a bar for the Bar Council to conduct an enquiry. High standard of proof is required to convict a person in criminal law. However, to punish a person for misconduct, no such proof is required and the misconduct as enumerated under the Advocates Act is to be taken into consideration while conducting an enquiry. Therefore, the petitioner has to independently defend his case on merits. Since the matter has already been referred to Bar Council of India, it is left open to the petitioner to defend his in the manner known to law.

Accordingly, this writ petition is dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[S.M.S., J.] [M.S.Q., J.]
23.09.2025

Speaking /Non-speaking order
Index : Yes/No
Neutral Citation : Yes / No
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W.P.No.11356 of 2021

S.M.SUBRAMANIAM, J.
and
MOHAMMED SHAFFIQ, J.

gpa

To

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

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