



WEB COPY



W.P.No.11350 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.11350 of 2021

**Mr.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. Mr.R.Mohan Ranganathan,
Advocate, E.No.Ms.409/1995**

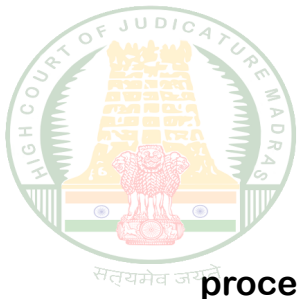
**3. Mr.N.Sudharshan,
Advocate, E.No.Ms.1049/1993**

**4. Ms.R.Sathyabama,
Advocate, E.No.Ms.696/1988**

**5. Mr.A.E.Ravichandran,
Advocate, E.No.Ms.979/2007**

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Certiorarified Mandamus, to call for the entire records pertaining to the resolution passed by the first respondent in Resolution No.390/2020 dated 19.12.2020 and quash the same, consequentially direct the first respondent to refer and



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proceed with the disciplinary committee on the petitioner's complaint No.411/2011 dated 06.09.2019 against the respondents 2 to 5 in accordance with the provisions under Section 35 of Advocates Act, 1961.

For Petitioner : Mr.K.Mahalingam
[party-in-person]

For Respondents : Mr.C.K.Chandrasekaar
Standing Counsel [R1]

Mr.Saai Sudharsan Sathiyamoorthy
[change of vakalat not filed for R2]

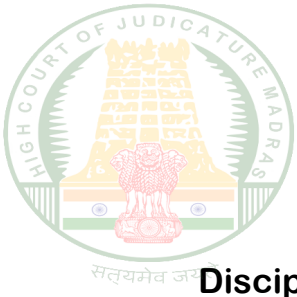
Mr.S.Vijayakumar [R3]
No appearance [R4 & R5]

ORDER

(Order of the Court was made 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



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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.

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



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left open to the petitioner to defend his in the manner known to law.

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Accordingly, this writ petition is dismissed. There shall be no order as to costs.

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

Speaking order
Index : Yes
Neutral Citation : Yes
gpa

To

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



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

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