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W.P.No.22531 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2025

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.22531 of 2025

Subha

...Petitioner

vs.

1.The Secretary,
Bar Council of Tamil Nadu & Pondicherry,
High Court Campus, Chennai.

2.The Registrar (District Judiciary),
High Court of Madras,
Chennai.

3.R.Praveen Kumar

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the first respondent to consider the Complaint No.536 of 2024 file don 04.11.2024 before the first respondent.

For Petitioner : Ms.S.Saranya

For R1 : Mr.C.K.Chandrasekar

ORDER



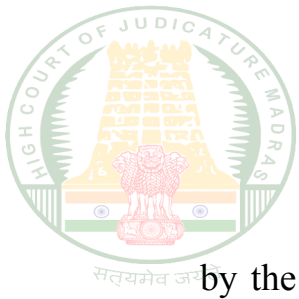
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(Order of the Court was made by *M.S.RAMESH,J.*)

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Heard Ms.S.Saranya, learned counsel for the petitioner and Mr.C.K.Chandrasekar, learned counsel for the 1st respondent. In view of the final order to be passed in this Writ Petition, notice to the 2nd and 3rd respondents is dispensed with.

2. On 04.11.2024, the petitioner herein had given a complaint against the 3rd respondent herein, who is a registered legal practitioner, to the Bar Council of Tamil Nadu and Puducherry, Chennai, which was taken on file as Complaint No.536 of 2024. The gist of the complaint against the 3rd respondent is that though the petitioner's husband had lawfully settled an immovable property to her under a settlement deed registered as Document No.18433 of 2023 in the Office of the District Registrar, Saram Puducherry, one V.S.Krishnan had filed a suit in O.S.No.1083 of 2023 before the Principal District Munsif, Puducherry, seeking for an injunction refraining the petitioner from disturbing her peaceful possession of the property. The grievance in her complaint against the 3rd respondent is that he had filed a vakalat on behalf of the said Krishnan. In her complaint, she has raised allegations that the plaint in O.S.No.1803 of 2023 was drafted



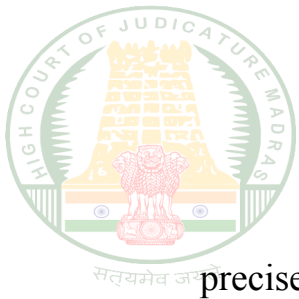
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by the 3rd respondent and though he knew that his client was not a clean person, he still filed a vakalat, which she claims to be a criminal conspiracy to abet land grabbing activities of his client. She also alleges that the documents filed in the aforesaid suit are forged and that, he along with his client, had threatened to trespass and encroach her property, for which no criminal case has been registered.

3. On an overall appraisal of the complaint, we find no difficulty in coming to the conclusion that apart from filing a vakalat and defending his client, the 3rd respondent herein is not alleged to have indulged in any act that may amount to professional or other misconduct. On the other hand, most of the allegations in the complaint are against the 3rd respondent's client, who is the plaintiff in the suit and none of the allegations are based on any proven evidences.

4. A registered lawyer stands in a fiduciary relationship with their client and such a lawyer's duty is more demanding than those imposed on other agents. When a lawyer accepts the grief of a client, he is expected to discharge his professional assignment as a duty of his client. This is



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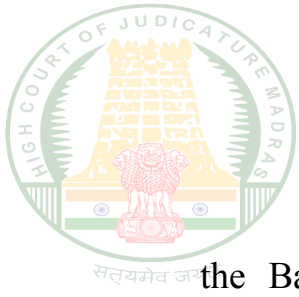
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precisely what the 3rd respondent appears to have done, which is reflected from the allegations made in the petitioner's complaint itself, as well as in the affidavit filed in support of the present Writ Petition.

5. By no stretch of imagination we find that these allegations amount to any act of professional or other misconduct, which may attract for action under Section 34 of the Advocates Act, 1964. On the other hand, we are constrained to hold that the petitioner herein had grossly used the provision and has attempted to cause a threat to the 3rd respondent of facing the rigours of disciplinary action, which has serious consequences. Thus, any further action on the petitioner's complaint by the Bar Council, would only be a futile exercise, since the complaint does not make out acts of misconduct on the part of the 3rd respondent herein.

6. In normal circumstances, we would have imposed exemplary cost on the petitioner for having abused the due process of law. However, on a sympathetic approach, we decline to do so.

7. In the result, the Writ Petition stands dismissed with a direction to



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the Bar Council of Tamil Nadu and Puducherry to drop all further proceedings, pursuant to the petitioner's Complaint No.536 of 2024 dated 04.11.2024. No costs.

[M.S.R, J.] [V.L.N, J.]
24.06.2025

Index:Yes
Speaking order
hvk

To

- 1.The Secretary,
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High Court Campus, Chennai.
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