



W.P.No.22884 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2025

CORAM :

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**

**AND**

**THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN**

W.P.No.22884 of 2025  
and W.M.P.No.25712 of 2025

C.Sakthivel, (MS No.2498/2018),  
Advocate

... Petitioner

***Vs.***

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

2.The Secretary,  
The Bar Council of India,  
21, Rouse Avenue, Institutional Area ITO,  
Near Bal Bhavan,  
New Delhi – 110 002.

3.Tech Mahindra Ltd.,  
Rep. by its Authorised Signatory,  
No.138, Old Mahabalipuram Road Sholinganallur,  
Elcot Sez, Semmancheri,  
Chennai, Tamil Nadu – 600 119.

4.C.Senthil Nathan,  
Advocate (Enrollment No.890/2020)

... Respondents



W.P.No.22884 of 2025

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1<sup>st</sup> and 2<sup>nd</sup> respondents to issue prohibitory order against the 4<sup>th</sup> respondent from practicing as advocate in all Courts, Tribunals and other authorities in India till the disposal of the Complaint Number 218/2025 dated 17.04.2025 on the file of the 1<sup>st</sup> respondent and pass such orders and further orders for speedy disposal of the Complaint Number 218/2025 on the file of the 1<sup>st</sup> respondent.

For Petitioner : Mr.K.Sivasubramanian

For R1 : Mr.C.K.Chandrasekar

### **ORDER**

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

Both the petitioner and the fourth respondent herein are brothers who have enrolled as Advocates before the Bar Council of Tamil Nadu and Puducherry, Chennai. Apparently, the brothers appeared to be in an estranged relationship since the petitioner has given a complaint against the fourth respondent before the Bar Council of Tamil Nadu in Complaint No.218/2025 seeking for disciplinary proceedings against the fourth respondent under Section 35 of the Advocates Act, 1961 (hereinafter referred to as 'the Act'), among other reliefs sought for.

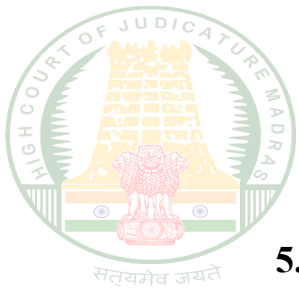


W.P.No.22884 of 2025

**2.** In the complaint, alleging professional misconduct, the petitioner has stated that the criminal case in Crime No.794 of 2022 has been registered against the fourth respondent by P-6 Kodungaiyur Police Station, Pulianthope, for the offences under Sections 294(b), 341, 324 and 506(ii) of IPC. It is also alleged therein that the fourth respondent has demonstrated unruly and aggressive behaviour within the Madras High Court Campus and was spotted threatening and abusing senior advocates, thereby disturbing peace and decorum of the Courts.

**3.** Section 35 of the Advocates Act provides for punishment of advocates for professional or other misconduct. As per the said provision, when the State Bar Council receives a complaint based on which it has reason to believe that any advocate on its roll has been guilty of professional or other misconduct, it shall refer the case for disposal to its disciplinary committee.

**4.** The term 'professional' or 'other misconduct' has not been defined under the Act. So also the phrase 'reason to believe'.



W.P.No.22884 of 2025

**5.** The only allegation made by the petitioner against the fourth respondent claiming it to be the professional misconduct is that an F.I.R. has been registered against him, apart from a fake allegation that the fourth respondent indulges in unruly behaviour with senior advocates and his colleagues.

**6.** Admittedly, no complaint has been received from any senior advocate or the colleagues of the fourth respondent, touching upon the allegation made by the petitioner. It is also not his case that the fourth respondent demonstrated such behaviour against the petitioner. Thus, we do not find the petitioner to be an aggrieved party, nor to maintain a complaint seeking for disciplinary action against a duly enrolled lawyer for professional misconduct.

**7.** Similarly, a mere registration of an F.I.R., will not amount to professional or other misconduct, warranting action under Section 35 of the Act, unless it culminates to a judgment of conviction by the criminal Courts. Thus, the prayer sought for disciplinary action and for initiation of criminal investigation, also requires to be rejected.



W.P.No.22884 of 2025

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8. The petitioner has also made an allegation that the fourth respondent does not possess a valid law degree. We are of the view that in order to proceed against a person who illegally practices in any Court, under Section 45 of the Act, it is the Bar Council of Tamil Nadu and Puducherry, which is required to take appropriate steps to inquire into the matter, in accordance with law, as and when an appropriate representation is made.

9. In view of the above findings and observations, we do not find any merit in this Writ Petition and accordingly, the same stands dismissed. No costs. Connected miscellaneous petition is closed.

[M.S.R, J.]

[V.L.N, J.]

25.06.2025

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

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W.P.No.22884 of 2025

**M.S.RAMESH, J.**  
**and**  
**V. LAKSHMINARAYANAN, J.**

*Sni*

To

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