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W.P.No.32701 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2025

CORAM:

**THE HON'BLE MR.JUSTICE M.S.RAMESH
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR**

W.P.No.32701 of 2017
and
W.M.P.Nos.36015 & 36016 of 2017

P.Dharmaraja

...Petitioner

Vs

1.The Secretary,
Bar Council of India,
No.21, Rouse Avenue Institutional Area,
Near Bal Bhavan, New Delhi – 110 002.

2.The Secretary (Special Committee),
Bar Council of Tamil Nadu & Pondicherry,
High Court Campus, Chennai – 600 104.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned extract of the proceedings of the Special Committee held on 09.11.2017 in Resolution No.184 of 2017 passed by the second respondent herein and quash the same.

For Petitioner : Ms.A.Jagadeeswari

For R1 : Mr.S.R.Ragnathan

For R2 : Mr.C.K.Chandrasekar



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ORDER

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

The order impugned in this Writ Petition is a resolution of the Special Committee of the Bar Council of Tamil Nadu and Puducherry, resolving to pass interim prohibitory order, prohibiting the petitioner from practicing in any Court of law, pending disposal of issuance of a show cause notice for removal of the petitioner's name from the roll.

2. At the outset, it requires to be pointed out that unless and until the resolution of the Bar Council of India culminates into a show cause notice, the petitioner cannot challenge the resolution. As such, the Writ Petition itself is not maintainable. However, the learned counsel for the petitioner submitted that the petitioner may be granted liberty to submit his explanation to the contemplated show cause notice.

3. In consideration of the said request of the learned counsel for the petitioner, the following orders are passed:-

(i) The Bar Council of Tamil Nadu and Puducherry is at liberty to issue a show cause notice under Section 26(1) of the Advocates Act, within a period of three months from the date of receipt of a copy of this order.



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(ii) On receipt of the show cause notice, the petitioner shall give his response, within a period of 30 days from the date of receipt of the show cause notice.

4. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(M.S.R.,J.) (N.S.,J.)
04.03.2025

Index: Yes/No
Neutral Citation: Yes/No
Speaking order/Non-Speaking Order
hvk

To

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N.SENTHILKUMAR,J.

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