



W.P.No.48754 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE SHAMIM AHMED

W.P.No.48754 of 2025

1. D.Vijayan
2. B.Pachaimuthu
3. S.Rosemary
4. D.Prabavathy
5. N.J.Madhan Raj

.. Petitioners

Vs.

1. The Secretary
Bar Council of Tamil Nadu and Puducherry
Chennai – 600 104.
2. The Registrar
Disciplinary Committee
Bar Council of Tamil Nadu and Puducherry
Chennai – 600 104.

3. M.Vijaya Bharathi

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking a writ of certiorari, calling for the records relating to notice of hearing dated 20.11.2025 for the proceedings, now pending in D.C.C.No.186 of 2025, on the file of the second respondent and to quash the same.

For the Petitioners : Mr.P.Raja

For the Respondents : Mr.C.K.Chandrasekar
for R1 and R2

Mr.Naveen Kumar Murthy
for Mr.G.Mayakrishnan
for R3



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ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

Prayer sought herein is for a writ of certiorari, calling for the records relating to notice-of-hearing dated 20.11.2025 for the proceedings, now pending in D.C.C.No.186 of 2025, on the file of the second respondent and to quash the same.

2. There was a compliant given by the third respondent against the present petitioners, who are practicing Lawyers, before the first respondent, that is Bar Council of Tamil Nadu and Puducherry, under Section 35 of the Advocates Act, 1961¹ to refer the matter to the Disciplinary Committee to enquire the same and to decide it by disposing the complaint.

3. Having taken cognizance of the complaint and numbering it as D.C.C.No.186 of 2025, a hearing date has been fixed by the Disciplinary Committee on 20.11.2025. At that juncture only, the present writ petition has been filed seeking to quash the complaint itself and this is how, the present writ petition has been filed.

¹ For brevity, hereinafter referred as "the Act of 1961".



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4. *Mr.P.Raja*, learned counsel appearing for the petitioners would submit that, absolutely, there is no substance in the complaint given by the third respondent against the petitioners and therefore, the complaint ought not to have been referred even to the Disciplinary Committee for enquiry.

5. We have heard *Mr.C.K.Chandrasekar*, learned counsel for respondents 1 and 2 and *Mr.Naveen Kumar Murthy*, learned counsel appearing on behalf of *Mr.G.Mayakrishnan*, learned counsel for respondent 3, who is the complainant.

6. If we look at Section 35 of the Act of 1961, the language used is that, if a State Bar Council has a 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. Therefore, if there is any reason to believe at the hands of the Bar Council, they could refer the matter to the Disciplinary Committee to dispose the complaint in the manner provided under the Act of 1961. When that being the position, such statutory power vested with the State Bar Council, here the first respondent, cannot be deprived or taken away by showing unwarranted interference by



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the Court, unless for want of jurisdiction or for any *malafide* the proceedings is challenged before the Court of law.

7. Here, in the case in hand, even though some submissions have been made by the learned counsel appearing for the petitioners by stating the merits of the complaint or otherwise, those issues could be gone into by the Disciplinary Committee. Therefore, at this juncture, this Court cannot go into the merits of the complaint or otherwise and the merits of the complaint could very well be gone into by the Disciplinary Committee, to whom already reference has been made by the Bar Council under Section 35 of the Act of 1961.

8. Therefore, at this juncture, we do not propose to interfere with the said proceedings already initiated against the petitioners, accordingly, the prayer sought in the present writ petition cannot be granted, but, at the same time, yet another grievance is espoused by the learned counsel appearing for the petitioners that, among the five petitioners, the first petitioner was the counsel on record and the other petitioners, that is petitioners 2 to 5 appeared only on the instruction of the first petitioner and against whom also since the complaint has been made, on their behalf, a counsel filed



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vakalath and should be allowed to appear on their behalf, however, the Disciplinary Committee is not permitting the counsel to represent on behalf of the petitioners 2 to 5. This is the other grievance of him.

9. This has been strongly denied by the learned counsel appearing for respondents 1 and 2. His stand is that, whenever there is a counsel appearing on behalf of an advocate, against whom complaint has been made which has been taken into account by the Bar Council and referred to the Disciplinary Committee, such counsel would be permitted to represent the advocate.

10. The said statement since has been made by the learned counsel appearing for respondents 1 and 2, even the grievance espoused by the learned counsel appearing for the petitioners would not have any legs to stand.

11. In that view of the matter, we are not inclined to entertain this writ petition and accordingly, it is liable to be dismissed and hence, it is dismissed. However, there shall be no order as to costs. Consequently, W.M.P.No. 54445 of 2025 is closed. W.M.P.No.54444 of 2025, petition filed seeking permission to file a single writ



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petition, stands ordered inasmuch as the petitioners have paid separate set of Court fees.

(R.S.K., J.) (S.S.A., J.)
17.12.2025

Speaking Order/Non-Speaking Order
Neutral Citation:Yes/No
Internet:Yes/No
Index:Yes/No
(drm)



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To:

1. The Secretary
Bar Council of Tamil Nadu and Puducherry
Chennai – 600 104.
2. The Registrar
Disciplinary Committee
Bar Council of Tamil Nadu and Puducherry
Chennai – 600 104.



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R. SURESH KUMAR, J.
AND
SHAMIM AHMED, J.

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