
(2011) 07 MAD CK 0412

In the Madras High Court

Case No : Writ Petition No's. 6833 of 2011

R.K. Chandramohan

APPELLANT

Vs

Bar Council of India

RESPONDENT

Date of Decision : 01-07-2011

Acts Referred:

Citation : (2011) 07 MAD CK 0412

Hon'ble Judges : P. Jyothimani, J

Bench : Single Bench

Advocate : Elephant G. Rajendran, in W. P. No. 12714 of 2011, for the Appellant; K. Venkatakrishnan, for R.1, for the Respondent

Judgement

P. Jyothimani, J.—Heard the respective learned Counsel.

2. While W.P. No. 6833 of 2011 has been filed by Mr. R. Chandramohan, for direction against the first Respondent, Bar Council of India to pass appropriate orders on the enquiry initiated on the basis of the complaint made by the second Respondent Mr. Elephant G. Rajendran, who is the Petitioner in W.P. No. 12714 of 2011, this Court by order dated 17.03.2011, disposed of the writ petition in W.P. No. 6833 of 2011, directing the Bar Council of India to complete the enquiry against the Petitioner in the said writ petition and pass appropriate orders within a period of four weeks from the date of receipt of a copy of the order.

3. In W.P. No. 12714 of 2011, Mr. Elephant G. Rajendran, has prayed for direction to the first respondent, the Disciplinary Committee of the Bar Council of India, not to pass any orders on the complaint made by him on 10.12.2010, against the Petitioner in W.P. No. 6833 of 2011.

4. The averment of the Petitioner in W.P. No. 12714 of 2011, was that even though the enquiry was conducted by the Bar Council of India after the proof affidavit was filed before the Bar Council of India, The Petitioner was not heard so far and there is likelihood of closing up of the enquiry, and therefore, he has filed W.P. No. 12714 of 2011, to enable him to file his reply to the proof affidavit

and participate in the hearing. In that writ petition, by order dated 25.05.2011, this court has granted an order of injunction against the Bar Council of India, not to pass any orders, if already orders are not passed. Admittedly, the Bar Council of India, has not passed any orders so far. The submission of the petitioner in W.P. No. 12714 of 2011 is, if the Bar Council of India gives sufficient opportunity to him to submit his reply for the proof affidavit filed by the second Respondent therein, and also to hear him in person in accordance with law, he will be satisfied, for which course of action, the Petitioner in W.P. No. 6833 of 2011 is not having any objection.

5. In such view of the matter, W.P. No. 12714 of 2011 is disposed of, permitting the Petitioner Mr. Elephant G. Rajendran, to file his reply to the proof affidavit filed before the Bar Council of India, within a period of two weeks from the date of receipt of a copy of this order. After the Bar Council of India receives such reply from the petitioner in W.P. No. 12714 of 2011, it shall conduct enquiry in the manner known to law by giving personal hearing to him and the second Respondent, and pass appropriate orders on merits and in accordance with law within two weeks thereafter.

6. Inasmuch as the Bar Council of India has sought extension of time to complete the enquiry, W.P. No. 6833 of 2011, has been listed today. It is made clear that the Bar Council of India shall pass appropriate orders in the manner known to law as directed above, without seeking any further extension of time.

7. The writ petitions are disposed of accordingly. No costs. Connected miscellaneous petitions are closed.