#### IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2021

#### CORAM:

# THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN and THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

W.P. No. 13796 of 2021

Vs.

Karthik Ranganathan

... Petitioner-in-person

- 1. Disciplinary Committee-IV
  Bar Council of Tamil Nadu & Puducherry
  High Court Campus
  Chennai 600 104.
- 2. V.Raj
- 3. Union of India
  Rep. by its Secretary
  Ministry of Law and Justice
  New Delhi.
- 4. Union of India
  Rep. by its Secretary
  Parliamentary Affairs Committee
  New Delhi.
- 5. The Secretary
  Bar Council of India
  New Delhi.
- 6. Government of Tamil Nadu Rep. by its Secretary Department of Law Secretariat, Chennai.

... Respondents

http://www.judis.nic.in R3 to R6 suo motu impleaded vide order dated

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16.07.2021 made in W.P. No. 13796 of 2021 by NKKJ and RPAJ]

**Prayer**: This Writ Petition has been filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to quash the order passed by the First Respondent in DCC No. 126 of 2019 dated 27.03.2021 in dismissing the complaint filed by the Petitioner and further be pleased to remand the complaint of the Petitioner in DCC No.126 of 2019 before any other disciplinary committee to consider the complaint afresh in the light of the evidences filed before it.

For Petitioner : Mr. Karthik Ranganathan (Petitioner-in-Person)

For Respondents : Mr. C.K.Chandrasekkar (For R1)

Mr. Rajesh Vivekanandan (For R3 & R4)

#### ORDER

(Order of the Court was passed by N.KIRUBAKARAN, J)

The matter was heard through "Video Conference".

- 2. Whether the members of Parliament could travel to Delhi to attend Parliament by spending their own money without sponsorship by the Government?
- 3. No Member of Parliament would spend his own money to attend Parliament.

http://wwW.bencsuch is the position, with regard to the elected members of Parliament, no one

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could expect an ordinary litigant to travel to New Delhi spending huge amount to file Appeals against the orders of the High Courts or Tribunals.

- 4. Location of Courts and Tribunals in New Delhi alone, without having Regional Benches, causes injustice to the people living in far flung places away from New Delhi. This injustice continues right from the year 1950 onwards. With great respect to all the stake holders, this Court is of the opinion that the steps taken to do justice had been nipped in bud by the concerned stake holders. It is very unfortunate that majority of the litigants are compelled to accept unfavorable orders, for lack of resources and access to Appellate Courts.
- 5. Here is a case in which the Petitioner complains that he is unable to travel to New Delhi, as the Appeal against the order passed by the Bar Council of Tamil Nadu and Puducherry has to be filed before the Bar Council of India, which is located 2186 kilometres from Chennai and he would submit that keeping the Courts and Tribunals only in New Delhi would amount to denial of justice to majority of people living far away from New Delhi. The Petitioner-in-Person challenges the dismissal of his complaint by the Disciplinary Committee of the Bar Council of Tamil Nadu filed by him against the Second Respondent, who was engaged by the Petitioner to act as his Advocate, for professional misconduct.

6. It is the case of the Petitioner that he engaged the services of the Second Respondent to file Rent Control Proceedings against the Tenant in the property bearing Door No.12, V.P. Street, Coonoor, the Nilgiris owned by him and his siblings. The wilful default period alleged in the Rent Control Proceedings was from February 2012 to August 2014, amounting Rs.87,000/-. The Rent Control Petition was filed on the ground of Wilful default made against the Tenant and requirement of the Petitioner's aforementioned property for demolition and reconstruction and a sum of Rs. 30,000/- has been paid as Professional Fees to the Second Respondent. According to the Petitioner, the Second Respondent colluded with the Petitioner's Tenant by receiving rents from the Tenant directly for a period of 4 years for which he was not authorised. The clandestine receipt of rent by the Second Respondent was known to the Petitioner only during the cross-examination of the Petitioner's brother on 24.07.2017 in the rent control proceedings, when the Tenant's Advocate specifically put a question to the Petitioner's brother whether he was aware of the arrangement of receipt of rents from the Tenant. However, the said suggestion was denied stating that he was not aware of the arrangement. Based on the evidence of the tenant that the amount was paid to the Second Respondent regularly and the same was paid to the Petitioner's brother, the Rent Control Petition was dismissed. The alleged receipt of rents by the Second Respondent directly from the Tenant

without authorisation from landlords viz., Petitioner and his brother is a professional misconduct and it is a collusion between the Tenant and the Second Respondent. In view of the receipt of rent by the second respondent being proved by the tenant by marking Exhibits, the Petitioner's eviction petition was dismissed. Therefore, the Petitioner filed a complaint before the First Respondent on 24.09.2018. The said complaint was numbered as D.C.C. No. 126 of 2019.

7. The defence taken by the Second Respondent was that the Petitioner's brother authorised him to collect the rents from the tenants for 4 years and he paid the collected rents to the Petitioner's brother. It was contended that the Second Respondent misappropriated another client's money and for which D.C.C. No. 50 of 2019 was filed. Both the Petitioners' complaint in DCC Nos. 50 and 126 of 2019 were heard by the Disciplinary Committee IV. The complaint in D.C.C. No. 50 of 2019 was settled as the complaint therein was more particular in getting back the money from the Second Respondent, which was to the tune of Rs.15,00,000/-.

8. In spite of that, the First Respondent dismissed the Petitioner's complaint in D.C.C. No. 126 of 2019 solely relying on the evidence of the Second Respondent that he was authorised to collect the rent from the Tenant and he returned all the collected rents to the Petitioner's brother on 14.07.2018.

- 9. The Disciplinary Committee dismissed the Petition based on the evidence of the Second Respondent that he was authorised by the Petitioner's brother Mr. R.Hari Kumar to receive the rents and pay to him. In spite of such evidence, the Petitioner's brother Mr. R.Hari Kumar was not examined in the disciplinary proceedings, who alone could throw the light upon the oral instructions given by him regarding receiving of rents from the Tenant and in turn paying the same to him. Moreover, the committee found that the Petitioner's brother Mr. R.Hari Kumar alone engaged the Second Respondent to conduct the case. Therefore, the Bar Council, First Respondent found that the complainant has not discharged his burden of proving that there was a professional misconduct on the part of the Second Respondent.
- 10. Mr. Karthik Ranganathan, Petitioner-in-person would submit that the Second Respondent should have summoned the Petitioner's brother to appear in the proceedings and that the Second Respondent should have produced documents to show that the Petitioner's brother authorised him to receive the rents. Moreover, the Second Respondent could not prove that he paid the rent amounts collected from the Tenants to the Petitioner's brother when already evidence of the Petitioner's brother is available which the Petitioner's brother adduced before the Rent Control

Proceedings. The Petitioner's brother already deposed under oath before the Rent controller that he did not authorise the Second Respondent to receive the rents. Therefore, there is no necessity for the petitioner's brother to adduce evidence before First Respondent, when a certified copy of the order made in Rent Control proceedings in R.C.O.P. No. 14 of 2014 dated 20.04.2018 states that the Second Respondent received the rents from the Petitioner's Tenant, and the Petitioner's brother was not aware of such transactions.

- 11. With regard to the alternate remedy, the Petitioner relied upon the decision in *Himmatlal Harilal Mehta -vs- State of MP* reported in [AIR 1954 SC 403] and would contend that even an alternate remedy is available, the Writ Petition can be entertained to press the point that Article 226 of the Constitution could be invoked against the quasi judicial order. The Petitioner relied upon *R.Muthukrishnan -vs-Registrar General, High Court of Judicature at Madras* reported in [(2019) 16 SCC 407]. Therefore, he seeks to set aside the order and remand the matter to the Disciplinary Committee.
- 12. Mr.C.K.Chandrasekkar, Learned Counsel appearing for the First Respondent would submit that there is an alternate appellate remedy available under Section 37 of the Advocates Act before the Bar Council of India, the Writ Petition is not http://www.judis.nic.in

maintainable. Factual adjudication cannot be done invoking Article 226 of the Constitution. Moreover appreciation of evidence is not possible under Article 226 of the Constitution. Once the statutory body has given a finding, the same cannot be set aside under Article 226 of the Constitution of India. If the Writ Petitions are entertained, the purpose of having Section 37 of the Advocates Act would be lost. Moreover, he would submit that appreciating the evidence available on record only, the First Respondent rightly dismissed the Petition. He would find fault with the Petitioner for not having examined the Petitioner's brother as witness as he alone engaged the Second Respondent. The Petitioner, who knew about the facts alone, is competent to speak about the facts and failure of examination of Petitioner's brother is fatal to the complaint, which was rightly held by the Bar Council First Respondent. Hence, he seeks dismissal of the Writ Petition.

- 13. Though the Second Respondent has been served and his name is shown in the cause list, the Second Respondent has chosen not to appear before this Court.
- 14. The facts are not disputed. The Second Respondent was engaged for conducting the Rent Control proceedings by the Petitioner's brother. During the course of the Trial only, it came to the notice of the Petitioner that the Second Respondent collected the rents and issued receipts based on the alleged oral

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instructions of the Petitioner's brother. Therefore, the Petition was dismissed. The clear findings given by the First Respondent is that the Petitioner's brother, who was the Second Complainant was not examined and it was fatal to the case of the petitioner. Moreover, the complainant alone has to prove and establish through evidence, the professional misconduct committed by the Second Respondent. By giving such a finding, the Complaint was dismissed. If the Petitioner intends to prove that there was a professional misconduct on the part of the Second Respondent, as rightly pointed out by the Disciplinary Committee, the Petitioner's brother should have been examined who alone competent to speak about the transactions. Merely because the Petitioner's brother adduced evidence before the Rent Control proceedings is not enough especially when serious allegations of misconduct are alleged against the Second Respondent.

15. Therefore, non-examination of Petitioner's brother Mr. R.Hari Kumar is fatal to the Petitioner's case and the same was rightly held by the First Respondent. The contention of the Petitioner that the Second Respondent should have summoned and examined the Petitioner's brother is not sustainable, for the simple reason that the burden is on the Petitioner to prove that the Second Respondent committed professional misconduct and not vice-versa. Therefore, by appreciating the evidence on record, the First Respondent rightly dismissed the Petition.

- 16. The availability of alternate remedy which is not efficacious is not a bar for entertaining the Writ Petition. It is well settled position of law as held in *Himmatlal Harilal Mehta -vs- State of MP* reported in [AIR 1954 SC 403] and *ACCE -vs-Jainson Hosiery Industries* reported in [1979 SC 1889]. Therefore, the contention of Mr.C.K.Chandrasekkar, learned standing counsel for the Bar Council of Tamil Nadu that there is an alternate remedy and the writ petition is not maintainable is liable to be rejected. Moreover, Rule 23 of Part VII of Bar Council of India Rules speak about Constitution of Circuit Benches which reads as follows:
  - "23. Subject to any resolution of the Bar Council of India, in this behalf relating to the places of hearing, the Chairman of the Disciplinary Committee concerned shall fix the date, hour and place for the hearing of the appeal."
- 17. The submission of the Petitioner that the alternate remedy of filing Appeal under Section 37 of the Advocate Act before the Bar Council of India is not efficacious as the Bar Council of India is located more than 2000 kilometers away. If one intends to challenge the First Respondent's order, he has to travel to New Delhi and engage a counsel by spending lakhs of rupees. It is well known fact that Advocates in Delhi are charging very heavily than the State Counsel. Moreover, the Petitioner has to travel and for that also he has to spend money. Because of that,

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many litigants, though having a good case, are unable to challenge the same before the Hon'ble Supreme Court or before the Tribunals which are located in New Delhi. Therefore, many litigants accept the order passed by the Tribunals or the Bar Council or High Courts, in spite of the fact that they have a good case or an arguable case on merits. This is the situation prevailing right from 1950 onwards. Many litigants suffer by accepting the orders, which are otherwise not sustainable for lack of proper appreciation of evidence. They are compelled to accept the wrong orders in view of inaccessibility to New Delhi and the exorbitant expenses towards engaging a counsel. This is an extraordinary situation. The road to justice is curtailed due to the difficulty of distance in accessing the Courts of Justice. It would amount to infraction of Article 21 guaranteed to a citizen as existence of remedy should be reasonably practicable and access being one of the essential requirements, ought to be provided, as otherwise it would be a distant dream.

18. The availability of the alternate remedy under Section 37 of the Advocates Act is not efficacious and therefore, the writ Petition is maintainable. This Court already raised six queries, when the matter came up for admission on 16.07.2021 and the queries are as follows:

सत्यमेव जयते

"6. The newly impleaded respondents are directed to answer the following queries:

http://www.judis.nic.in/.a/). Why not the Central Government take steps to establish

regional benches of Courts and Tribunals including Bar Council located in New Delhi having jurisdiction throughout the country for easy access to justice to the Citizens, as location of Appellate Courts in Delhi would practically deny access to justice to citizens living throughout the country?

- (b). By what time the benches could be established?
- (c) How many appeals are pending before the Bar Council of India under Section 37 of the Advocates Act, for the past 10 years (Year wise data has to be given)?
- (d) How many cases have been transferred to Bar Council of India, under Section 36(B) of the Advocates Act?
- (e) Why not the Bar Council of India regulate the Circuit Bench sitting in every zone as once in three months, till the amendment is carried out as suggested by this Court, for establishment of Regional Benches of Bar Council by amending the provisions of the Advocates Act."
- 19. The Central Government has filed a communication dated 30.07.2021 written to the Assistant Solicitor General of India, in which an Annexure -A has been enclosed by way of reply to the query raised, which reads as follows:-
  - "1. As far as the establishing the Regional Benches of the Court is concerned it is stated that as per Article 130 of the Constitution, "the Supreme Court shall sit in Delhi or in such other place or places as the Chief Justice of India may, with the approval of the President, from time to time, appoint".
- 2. There have been demands, from time to time, to set up Benches of the Supreme Court in different parts of the Country. http://www.judis.nic.However, the Supreme Court has consistently not agreed for

setting up Benches of the Supreme Court outside Delhi.

- 3. The Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice has expressed its disagreement with the persistent opposition to establishing Benches of the Supreme Court in its Sixth Report on Demand for Grants of the Ministry for the year 2005 –6 and advised the Government to discuss the issues once again with the Supreme Court
- 4. The above recommendation was referred to the Chief Justice of India for consideration. The Chief Justice of India, in his letter dated 12.08.2007, informed that after consideration of the matter, the full court, in its meeting held on 7<sup>th</sup> August 2007, found no justification for deviating from its earlier resolution on the subject and unanimously resolved that the recommendation made by the Committee cannot be accepted.
- 5. The Law Commission, in its 229<sup>th</sup> Report had also suggested that the Constitutional Bench be set up at Delhi and four Cassation Benches be set up in the Northern Region at Delhi, the Southern region at Chennai /Hyderabad, the Eastern region at Kolkata and the Western region at Mumbai. In this regard, the then Chief Justice of India informed that after consideration of the matter, the Full Court in its meeting held on 18<sup>th</sup> February 2010 found no justification for setting of Benches of the Supreme Court outside Delhi.
- 6. There is a Writ Petition No.36 of 2016 filed in the Supreme Court of India on the subject of establishment of National Court of Appeal and the matter is sub-judice in the Court."

From the above, it is clear that it is because of a decision on the administrative side of the Hon'ble Supreme Court, the efforts taken by the Central Government to set up Benches in different parts of the Country have been made futile. No impression should be given that the Hon'ble Supreme Court is meant only for the people living in and around New Delhi or the States surrounding New Delhi. India is a very vast

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continent from Jammu and Kashmir in the North to Tamil Nadu in the South and Gujarat in the West to Manipur in the East.

- 20. India is the second thickly populated country, having population of 136 crores. One cannot expect ordinary litigants to travel from Manipur to New Delhi or from Kerala to New Delhi and resourced persons alone could take up the matters to the Apex Court. When approaching the Supreme Court by a common man remains in dreams only, it would amount to denying justice. No purpose would be achieved by declaring that access to justice is a fundamental right. The Hon'ble Supreme Court itself, umpteen number of times, through various judgments, declared that access to justice is a fundamental right.
- 21. As observed in the interim order, in an effort to deliver justice at the door steps, Grama Nyayalayas are sought to be established. Efforts are being taken to establish Taluk level Courts in every Taluk. To enable the citizens to have easy access to justice, High Court Benches are being established in different parts of the Countries with the concurrence of the Hon'ble Apex Court. In Tamil Nadu, Madurai Bench is functioning from 2004 onwards. The Madurai Bench was made possible because of the decision taken by the Hon'ble Supreme Court. When the Hon'ble Supreme Court is inclined to grant permission to establish Benches of the High

Courts, every citizen expects the same decision to establish Benches of the Supreme Courts in the South, North, East and West.

- 22. The Parliamentary Standing Committees have been consistently recommending for setting up of Supreme Court Benches. The Law Commission in its 229<sup>th</sup> report suggested Constitution of Benches in various regions. However, sadly the Hon'ble then Chief Justice of India informed that full court meeting held on 8<sup>th</sup> February 2010 took a decision that there was no justification for Benches outside New Delhi.
- 23. Article 130 of the Constitution speaks about seat of Supreme Court, which is extracted as follows:-

"130.Seat of Supreme Court.- The Supreme Court shall sit in Delhi or in such other place or places, as the Chief Justice of India may, with the approval of the President, from time to time, appoint."

From the above it is clear that

- (1) The Hon'ble Supreme Court could sit in New Delhi or in any other places;
- (2) There is no bar for establishing or having a sitting of the Supreme Court in different parts, as our constitution framers constitutionally guaranteed the sitting of supreme court in other places;
- (3) A decision has to be taken by the Hon'ble Chief Justice of India and the same could be approved by the President.

- 24. Therefore, there is no constitutional bar for setting up or establishing Benches in various parts other than New Delhi. It is equally clear that without establishing Benches, the Hon'ble Supreme Court also could sit by way of Circuit Benches in various parts. It is well settled Law by the Hon'ble Supreme Court that the policy decisions of the Government cannot be interfered with.
- 25. The Hon'ble Supreme Court is the custodian of rights of not only the litigants but also the entire population. Time has come to establish Benches of Supreme Court at other places apart from New Delhi. This Court hopes that necessary steps wold be taken by the Union Government in this regard at the earliest. India is a Country having an area of 3.29 million square kilometres having a population of 136 crores. The people feel that they would get justice from the Lowest Court to the Highest Court if they could get access to justice easily. The growth of population and litigations are to be taken note of and the practical difficulties faced by the litigant public should be addressed at the earliest.
- 26. Law Commission in its 125<sup>th</sup> report vouched for the recommendations made by it in its 95<sup>th</sup> report that the Benches could be located in various zones. It is

reported that the highest number of cases filed before the Supreme Court are from Northern States. 12% of the cases are from Delhi, 8.9% of the cases are from Punjab and Haryana, 7% of the cases are from Uttarkhand, 4.3% of the cases are from Himachal Pradesh. However, sadly only 1.1% cases are filed against the judgment of the Madras High Court, 2.5% of the cases are from Kerala and 2.8% of the cases are from Andhra Pradesh. The above data does not mean that the litigants had accepted the order of High Courts. It is because of the lack of resources and geographical proximity, the cases/Appeals have not been filed. Mr. Justice Chagla, Former Chief Justice of Bombay High Court and one of the eminent jurists of this Country observed:

"Courts exist for the convenience of the litigants and not in order to maintain any particular system of law or any particular system of administration."

The Courts are meant for litigants and it cannot be treated forts of Advocates and Judges. After all the Courts exists to render justice to the needy litigants. The litigants from every nook and corner of the country should have accessibility and affordability and it is possible only by having Benches, as recommended by the Law Commission in its 125<sup>th</sup> report.

27. The constitution framers thought of establishing Benches of the Hon'ble Supreme Court at various places. Otherwise Article 130 itself would not have been http://www.judis.nic.in

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incorporated in the Constitution. Times have changed; litigations are increasing; When parties are aware of their rights and with economic advancements, naturally, more cases are being filed. When people are aware of their rights, they should have accessibility and affordability to reach every level of hierarchy of Courts.

- 28. Access to Justice is a concept ingrained in Article 21 of the Constitution of India. It is so fundamental a right and has been held so by various authoritative pronouncements that it cannot, in any circumstance, howsoever inconvenient or impractical, be overlooked or side-stepped by any elected Government in a Parliamentary Democracy. The statistics pertaining to the number of Special Leave Applications preferred, admitted and heard by the Hon'ble Supreme Court of India under Article 136 of the Constitution of India shows the skewed ratio of geographical origin of the appeals being preferred against the judgements rendered in Courts, superior and otherwise, situated in the far-flung corners of this country.
- 29. The clear mandate of Article 136 has also been dissected for judicial interpretation in the case of *Mathai* @ *Joby v. George & Anr.* reported in (2010) 4 SCC 358 with the Supreme Court holding that the power in that article does not confer a right to appeal to any litigant and that it is to be exercised by the Court with discretion and with great care and caution. Suffice it to say that this issue as also the

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larger issue pertaining to access to Justice was discussed at length in the case of *V. Vasanthakumar vs H.C. Bhatia And Ors.* reported in (2016) 7 SCC 686, wherein the Court referred the matter to a Constitution Bench on a range of issues, such as *inter-alia* whether to establish a National Court of Appeal or Regional Benches of the Supreme Court, etc. It is not for this Court to make recommendations to the Centre or to issue a mandamus for what looks like, at first blush, a problem of great proportions. It seems evident to us that 'access to justice', irrespective of the restrictive nature of Article 136 of the Constitution of India, has been impeded with the situation of the Hon'ble Supreme Court at New Delhi. Whether a matter is granted special leave by the Hon'ble Court is one thing, and the Courts' absolute discretion cannot be in doubt, but the right to file a petition under that Article to the Hon'ble Supreme Court and to be heard by the Court in that application is altogether a different issue.

30. It is also statistically evident that only those Courts having close geographical proximity to the Supreme Court have been filing cases or appeals before it and that an Indian, from a far flung corner, has been unable to approach that great Citadel of

Justice, hailed as the 'sentinel on the qui vive' with regard to fundamental rights,

owing to reasons completely out of his control. It has to be observed that the Court,

which originally used to sit en banc, rendering seminal Constitutional bench

Judgements, has now, owing to the prevalent system of admissions under Article 136 become a regular court of appeal, hearing all kinds of matters on a variety of Jurisdictions.

31. These are all matters of great purport and importance, which cannot be swept under the carpet, for, the earlier we deal with them as a Nation, the better it would be for us and for the generations that will come after us. These observations are being made not as a lament in the darkness, or an irrelevant obiter. This Court expects some action from the Central Government in this regard, one way or the other, with the Government is required to apply its mind on a method to remedy this perilous situation at the earliest, including amendment of Constitution for establishment of regional Bench of Hon'ble Supreme Court, as recommended by various Law Commissions of India and Parliamentary affairs Committees. The following is the relevant discussion in the constituent assembly of India Volume VII on 27th May 1949 with regard to the location of Hon'ble Supreme Court [As downloaded from the Indian Kanoon Website],

"Shri Jaspat Roy Kapoor: May I seek a small clarification from Dr. Ambedkar?

Will it be open to the Supreme Court so long as it is sitting in Delhi, to have circuit Court anywhere else in this Country simultaneously?

The Hon'ble Dr.B.R.Ambedkar: Yes, Certainly. A circuit Court is only a Bench." http://www.judis.nic.in

These words are suffice to rethink the issue of making Justice affordable and accessible, including geographically. Therefore, the Respondents may consider constituting Circuit Benches/Permanent Benches of all Tribunals located in New Delhi including Bar Council of India for each Zone for the benefit of common man, at the earliest.

- 32. Considering the fact that India is having a population of 136 Crores, 34 Supreme Court Judges are not enough and more number of Judges are to be appointed. Hence, this Court hopes and expects that justice would be rendered by all the stake holders by taking a pragmatic, appropriate, justifiable and a fair decision in the interest of the people. It is not the intention of this Court to cast aspersion on anybody. The observations in this order are made with great respect to all the stake holders especially the Hon'ble Supreme Court. Only based on the facts, the present order has been passed and it may not be understood that this Court has passed this order, exceeding its limits.
- 33. In fine, negativing the prayer sought for, the Writ Petition is disposed of with the above observations. It is made clear that the petitioner is granted two weeks time to file appeal if he so wishes, before the Bar Council of India. In the event of filing

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such an appeal, the appeal shall be entertained and decided on merits without reference to limitation. No costs.

[N.K.K., J.] [R.P.A., J.] 19.08.2021

Maya

### R.PONGIAPPAN, J.

I have gone through the judgment and I am of the view that the views and observations given in paragraph Nos.3, 4 and 19 to 32 in the judgment are not related to the prayer sought for in the writ petition. Hence, with great respect, I am unable to persuade myself to subscribe views taken by my esteemed Brother. Accordingly, except approving the decision in negativing the writ petition, I am not agreeing with the views and observations made in the above referred paragraphs of this judgment.



To

1. Disciplinary Committee-IV
Bar Council of Tamil Nadu & Puducherry
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Chennai – 600 104.

2. The Secretary
Ministry of Law and Justice
New Delhi.

3. The Secretary
Parliamentary Affairs Committee
New Delhi.

4. The Secretary
Bar Council of India
New Delhi.

5. The Secretary
Department of Law
Secretariat, Chennai.



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## N.KIRUBAKARAN, J. and R.PONGIAPPAN, J

Maya



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**Dated**: 19.08.2021