

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16-03-2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.27640 of 2015

And

MP No.1 of 2015

Mr.V.B.Selvaganapathy, B.A.,B.L.,
Advocate,
22, Law Chambers (HCB),
Chennai-600 104.

.. Petitioner

vs.

1.The Registrar (Administration),
High Court of Madras,
Chennai-600 104.

2.Mr.R.Gandhi (Senior Advocate),
Main Allottee,
22, Law Chambers (HCB),
Chennai-600 104.

3.V.S.Sivasundaram,
Advocate,
Permissive Occupant,
22, Law Chambers (HCB),
Chennai-600 104.

4.K.K.Senthivelan,
Advocate,
Permissive Occupant,
22, Law Chambers (HCB),
Chennai-600 104.

5.Mrs.Gowri,
Advocate,
Permissive Occupant,
22, Law Chambers (HCB),
Chennai-600 104.

6.P.Mahalakshmi,
Advocate,
Permissive Occupant,
22, Law Chambers (HCB),
Chennai-600 104.

7.K.Sathishkumar,
Advocate,
Permissive Occupant,
22, Law Chambers (HCB),
Chennai-600 104.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, calling for the records in the issuance of the impugned orders ROC No.1713-A/2014/D5 dated 22.06.2015 of the Registrar (Administration) of this Court, quash the same

and consequently to direct the first respondent to permit the petitioner herein to continue to occupy the same Chambers as a co-allottee at No.22, Law Chambers, High Court Buildings, Chennai-600 104.

For Petitioner	: Mr.D.Sivashanmugam for Mr.R.Sankarasubbu.
For Respondent-1	: Mr.S.Haja Mohideen Gisthi
For Respondent-2	: Mr.M.Baskar
For Respondent-3	: Mr.V.S.Sivasundaram [Party-in-Person]
For Respondents-5	: Mrs.Gowri [Party-in-Person]
For Respondents-6	: P.Mahalakshmi, [Party-in-Person]
For Respondents-7	: Mr. K.Sathishkumar [Party-in-Person]

ORDER

“Love All Hate None” must be the spirit in the legal fraternity, as the entire fraternity is thriving towards the noble cause of social justice. Thus differences, if any, arise amongst the members of the legal fraternity,

is to be resolved amicably without causing any infringement of right to any member of the fraternity. Tolerance, adjustability and acceptability must be the endeavour, to ensure peace and harmony amongst the legal fraternity in the interest of public and to serve for the welfare of our Great Nation.

2. The writ on hand is one where a member of the Bar challenges the High Court Law Chamber Allotment Order dated 22.06.2015 issued by the Registrar (Administration) of the High Court of Madras. Admittedly, the petitioner was initially allotted No.22, Old Law Chambers, High Court Buildings, Chennai-600 104 as Co-Allottee vide Official Memorandum ROC No.2872/2010/D5 dated 13.10.2010 of the Registrar (Administration), High Court of Madras, Chennai-600 104.

3. The petitioner states that he went to No.22, Law Chambers and met Mr.P.Selvaraj, Advocate, another Co-allottee and informed about his allotment and enquired about the Main Allottee Mr.R.Gandhi, Senior Advocate. Mr.P.Selvaraj, Advocate informed the petitioner that the main

allottee used to visit the Law Chambers occasionally and he advised the petitioner to meet him in the Madras Bar Association. The petitioner went to the Madras Bar Association and met Mr.R.Gandhi, Senior Advocate and told him about his allotment. Mr.R.Gandhi, Senior Advocate refused to accommodate the petitioner and asked the petitioner to find out some other Law Chambers. The petitioner further states that Mr.R.Gandhi stoutly told the petitioner that he will accommodate only the Advocates, who all are in his close circle. Further Mr.R.Gandhi, Senior Advocate told the petitioner that he will arrange some other Law Chambers, since the Law Chamber is fully occupied by his juniors and there is no room to accommodate the petitioner. The petitioner states that he was helpless and reported the matter to the Registrar (Administration) of the Madras High Court.

4. The petitioner states that he got letter dated 03.03.2011 from the Registrar Official Memorandum ROC No.375/2011/D5, which reads that the request of the Main Allottee Mr.R.Gandhi, Senior Advocate to provide alternate allotment to the petitioner in any other Law Chamber was

rejected and ordered for his continued accommodation only as a Co-allottee in Law Chamber No.22. The order further states that any request for reconsideration of allotment will not be entertained against the petitioner. After that the petitioner again approached the Main Allottee Mr.R.Gandhi, Senior Advocate for accommodation. The Main Allottee Mr.R.Gandhi, Senior Advocate allowed the petitioner to hang his robes in the Law Chambers. However, the petitioner was not allowed to place his furnitures, since the entire place is fully occupied by the juniors of the Main Allottee Mr.R.Gandhi, Senior Advocate.

5. The petitioner states that the Main Allottee Mr.R.Gandhi, Senior Advocate partitioned the Law Chambers occupying 40% of the space by placing a big table. The said Chamber is over crowded. The 40% of the portion is occupied by the Main Allottee. However, it is not used fully by the Main Allottee as he is always in Madras Bar Association and not coming to the Law Chambers frequently. His Clerks, Attenders and Drivers were occupying the same to relax and for dining purposes. This was

curtailed only after the regular use of one more Joint Allottee Mr.Chandrasekar. The petitioner requested the Main Allottee Mr.R.Gandhi, Senior Advocate to remove the partition and provide him the space to put his chair and table in the Law Chamber. The learned Senior Advocate Mr.R.Gandhi permitted the petitioner to fix his Name Board at the entrance of the Law Chamber. The petitioner found the names of the Hon'ble Judges of the High Court below his name and thus he fixed his Name Board separately on the other side of the wall. This created certain frictions among the Lawyers in the said Law Chamber and the petitioner approached the Registry repeatedly and made request to permit him to occupy Law Chamber No.22.

6. Subsequently, the Registrar (Administration) of the High Court of Madras issued the impugned letter dated 22.06.2015 providing an alternate allotment to the petitioner in Law Chamber No.36 as Co-allottee in the existing vacancy. Aggrieved by the said re-allotment, the petitioner is constrained to move the present writ petition.

7. The learned counsel for the petitioner mainly contended that right from the date of allotment of the petitioner as Co-allottee in Law Chamber No.22, he was not permitted to place his furnitures nor allowed to utilise the Law Chamber freely to practice his profession. The petitioner on several occasions approached the Main Allottee, who in turn, has not accommodated him and finally the petitioner approached the Registrar (Administration), who in turn issued the impugned order granting re-allotment to another Law Chamber No.36. The learned counsel for the petitioner states that even at the time of allotment as Co-allottee, he was aged about 60 years and at present, the petitioner is 73 years old and he has filed the present writ petition to ascertain his legal right and the procedures followed by the High Court in the matter of Law Chamber allotment to him.

8. The learned counsel for the petitioner strenuously contended that no opportunity was given to the petitioner even to defend the

complaints given by the Main Allottee of Law Chamber No.22. He was not called upon to submit his explanations or defence. Thus the entire re-allotment was made in violation of the principles of natural justice and thus his original allotment at No.22 must be retained and he must be permitted to utilise the said Law Chambers as per the allotment conditions and by allowing him to place his furnitures as per the specifications issued by the High Court.

9. The learned counsel appearing on behalf of the High Court contended that peace and harmony is to be maintained in every Law Chamber by the learned Advocates. The Registry of the High Court received certain complaints from the Main Allottee of Chamber No.22 and the said complaints were placed before the Hon'ble Committee for allotment of Law Chambers. Pursuant to the decision taken by the Committee, an alternate Law Chamber No.36 was allotted for occupation by the petitioner and the said decision was taken to maintain peace and tranquillity among the members of the legal fraternity and to maintain the Chambers properly

in accordance with the Rules in force. Before taking a decision, there was an oral discussion with the petitioner by the then Registrar (Administration).

10. Perusal of the High Court Registry files, notings of the then Registrar (Administration) reveals that the petitioner was asked twice to meet the Registrar (Administration). Again the Registrar (Administration) had spoken to him and the petitioner refused to adjust or vacate the Law Chamber No.22. The Registrar (Administration) of the Madras High Court thus recorded that he had spoken, but the petitioner refused to adjust and vacate the Law Chamber No.22. Thus, the matter was placed before the Hon'ble Law Chambers Committee and the Committee passed Resolution providing an alternate allotment to the petitioner i.e., the Law Chamber No.36. The said order was communicated to the petitioner through Registrar (Administration) of the Madras High Court, which is under challenge in the present writ petition.

11. The learned counsel appearing on behalf of the High

Court reiterated by stating that the decision was taken by the Hon'ble Law Chambers Committee, based on the Office Note placed before the Hon'ble Committee stating that the Registrar (Administration) had spoken to the writ petitioner, who in turn refused to adjust and therefore, an alternate allotment was made to the writ petitioner.

12. The learned counsel for the petitioner appearing before this Court along with the petitioner in person objected the said Registry Note by stating that the Registrar (Administration) had never spoken to him at any point of time. It was an unilateral noting made, without any oral information or written memo or notice to the writ petitioner and behind his back. The unilateral notings made in the files cannot be relied upon for the purpose of compliance of the Rules of Natural Justice. The petitioner in person emphatically states that no one had spoken to him and there was no discussion about granting any alternate Law Chamber. Office Note was made unilaterally by the High Court Registry without even indicating details of such discussions or otherwise. Thus the Office Note is false and was

recorded behind the back of the petitioner.

13. The learned counsel for the High Court vehemently opposed by stating that the petitioner is making incorrect statements. The Registrar (Administration) has recorded that he had spoken with the writ petitioner and that it is to be relied upon.

14. Based on the Noting of the Registrar (Administration), the Hon'ble Committee had taken a decision.

15. Mr.M.Baskar, the learned counsel appearing on behalf of the second respondent-Main Allottee quoted the words of his senior Mr.R.Gandhi, i.e., “Live and Let Live” and contended that the second respondent has no objection to allow the petitioner to continue in Law Chamber No.22 as per his original allotment made by the Registry as Co-allottee.

16. The learned counsel further made a submission that the other Co-allottees also have no objection for placing his furnitures as per the specifications of the High Court in Law Chamber No.22 and use the Law Chamber for his professional purposes.

17. The learned counsel for the second respondent and the Co-allottees Mr.V.S.Sivasundaram, Mrs.Gowri, Mrs.P.Mahalakshmi and K.Sathishkumar have made their submissions, that they have no objection to accommodate the writ petitioner in Law Chamber No.22.

18. It is brought to the notice of this Court that the fourth respondent Mr.K.K.Senthivelan surrendered his allotment.

19. The learned counsel for the second respondent contended that the allegations set out by the petitioner in his affidavit are absolutely

false. The petitioner raised unnecessary allegations against the learned Senior Advocate, who is the Main Allottee and such allegations are not even proved or established. Under the guise of challenging the re-allotment order, the petitioner ought not to have raised such unnecessary allegations against the Senior Advocate, which would portray that he is not interested in maintaining peace and harmony among the members of the legal fraternity.

20. Considering the arguments as advanced between the parties, the guidelines for allotment of Law Chambers both for the Principal Bench of Madras High Court and Madurai Bench of Madras High Court has been issued by the High Court Administration. The second respondent admittedly is the Main Allottee and the writ petitioner, admittedly, is the Co-allottee of Law Chamber No.22. Since the writ petitioner faced certain difficulties in occupying the allotted Law Chamber No.22, he had spoken with the Main Allottee and his efforts went in vain. Thus he approached the high Court Registry and in the meanwhile, the Main Allottee had given complaints against the writ petitioner and based on the said complaints, an

alternate allotment of Law Chamber was made by the Registry to the petitioner.

21. In the event of any complaint by any allottee, either Main Allottee or the Co-allottee, the allegations are to be enquired into, in compliance with the Rules of Natural Justice. Rules of Natural Justice, being a fundamental right under the Constitution of India, no person can be deprived of the right and least to the Lawyers. Thus, when any complaint is received from any allottee, the Registry is bound to conduct an enquiry by affording opportunity to all the persons who all are connected to the allegations.

22. Unilateral decision, if any, taken by the Registry would be in violation of the Rules of Natural Justice and the High Court Administration is not expected to violate the Rules of Natural Justice, which is the facet of Rule of law.

23. In the present case, perusal of the Note File reveals that the then Registrar (Administration) made a noting that he had spoken with the writ petitioner. However, it is not made clear, whether he had spoken through phone or in person or otherwise. Further noting reveals that the Registrar (Administration) had informed about the adjustments to be made and the petitioner refused to adjust and vacate the Law Chamber No.22. For that also, no proof is available in the file and absolutely there is no evidence to establish that the Registrar (Administration) had spoken to the petitioner and informed about the complaints given by Mr.R.Gandhi. The basic principles of law mandates that the persons against whom the complaints are made, to be enquired into and an opportunity is to be afforded to him.

24. In the present case, the High Court states that the second respondent Main Allottee had given complaints against the writ petitioner. However, copy of the complaints were not furnished to the petitioner nor he was afforded with an opportunity to submit his written explanations or to defend his case. The petitioner in person emphatically states that he was not

even called by the Registrar (Administration) nor he was asked to appear before the Hon'ble Law Chambers Committee to vindicate his grievances. Such procedures adopted by the High Court are undoubtedly in violation of the Rules of Natural Justice and in the absence of any proof in the file, this Court cannot form an opinion that the petitioner was provided with an opportunity to defend his case and thus the alternate allotment made behind the back of the writ petitioner, cannot be construed as valid and in fact, the petitioner was deprived of his right to occupy and enjoy the allotted space in Law Chamber No.22.

25. Lawyers are performing noble profession and they are representing the litigants for redressing their grievances. Favouritism in any form in Law Chamber allotment at no circumstances should be encouraged and the allotments are to be made strictly in accordance with the guidelines and by following the procedures as contemplated. Certain adjustments may be required to be made with the consent of the Lawyers concerned in the event of any dispute, and not by taking unilateral decisions. In such

circumstances, an enquiry is warranted.

26. The learned counsel for the High Court brought to the notice of this Court that the petitioner's letter dated 26.06.2015 addressed to the Registrar (Administration) reveals that the petitioner had the knowledge about the complaints given by Mr.R.Gandhi.

27. In this regard, the petitioner in person states that every year, the second respondent Main Allottee used to write multiple complaints against him. However, this Court need not go into these aspects. The fact remains that none of the copies of the complaints given by the Main Allottee against the petitioner was furnished to the writ petitioner by following the established principles. In the event of receipt of any complaint and for conducting an enquiry, the copy of the complaint must be furnished to the persons against whom the complaint is made, enabling them to defend their case.

28. However, in the present case, the files produced by the High Court reveal that no such procedure was followed and based on the noting of the then Registrar (Administration), that he had spoken with the petitioner alone was the basis for taking a decision by the High Court.

29. Now the learned counsel for the second respondent in order to give a quietus to the issue and maintain harmony in Law Chamber, submitted that he has no objection to accommodate the petitioner in Law Chamber No.22. For that the other Co-allottees, who all are present before this Court, also agreed and said that they too have no objection. The good gesture shown by the respective learned counsel appearing for the second respondent and the Co-allottees appearing in person stands appreciated.

30. The learned counsel for the second respondent made a submission that the partition in the Law Chamber No.22 will be removed immediately, thereby enabling all the allottees to use the Law Chamber as per the guidelines issued by the High Court.

31. The Registrar (Administration) is directed to visit all the Law Chambers in the High Court campus at Madras and Madurai and find out if any partitions are made by any Main Allottee or Co-allottee and if any such partitions are made in violations of the guidelines issued, he is bound to initiate all appropriate actions to remove the partitions or violations and ensure no inconvenience is caused to any of the Allottee. The Registrar (Administration) is directed to conduct the inspection, within a period of four weeks from the date of receipt of a copy of this order.

32. Accordingly, the order impugned dated 22.06.2015 passed by the first respondent in ROC No.1713-A/2014/D5 is quashed and the original allotment of the petitioner granting allotment to him as Co-allottee at Law Chamber No.22, High Court Buildings, Chennai-600 104 stands restored. Consequently, the petitioner is permitted to occupy Law Chamber No.22, High Court Buildings, Chennai-600 104 by placing his furnitures as per the specifications stipulated in the guidelines and continue his legal

practice in a free and peaceful manner.

33. With the abovesaid directions, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

16-03-2023

Speaking Order/Non-Speaking Order.

Neutral Citation : Yes/No.

Internet : Yes/No.

Index: Yes/No.

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To

The Registrar (Administration),
High Court of Madras,
Chennai-600 104.

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S.M.SUBRAMANIAM, J.

Svn

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