

(2014) 11 MAD CK 0585

Madras High Court (Madurai Bench)

Case No: W.P. (MD) No. 19308 of 2014

N. Mohamed Ayyadurai

APPELLANT

Vs

The Chairman, Bar Council of
Tamil Nadu and Pondicherry

RESPONDENT

Date of Decision: Nov. 28, 2014

Acts Referred:

- Penal Code, 1860 (IPC) - Section 109, 307, 341

Hon'ble Judges: M. Venugopal, J

Bench: Single Bench

Judgement

@JUDGMENTTAG-ORDER

M. Venugopal, J.

The Petitioner in the present Writ Petition has prayed for passing of an order by this Court in directing the respondents to enrol him as an Advocate in the Bar Council of Tamil Nadu and Pondicherry at the earliest by considering the Petitioner's representation along with relevant documents dated 7.11.2014 within the period to be determined by this Court.

2. According to the Petitioner, in the year 2010, his mother-in-law lodged a false complaint against him and his mother which was registered in Crime No. 53 of 2010 on the file of Keelavalavu Police Station in respect of the offences under Sections 341, 307 and 109 of IPC. After completion of investigation, the complaint was referred as "mistake of fact".

3. It comes to be known that the Petitioner's mother-in-law projected a Crl.O.P.(MD) No. 6723 of 2010 on the file of this Court seeking for passing of an order by this Court in directing the CBCID investigation and this Court was pleased to order change of investigation to CBCID, Theni District. As per the direction of this Court, after completion of investigation, a report was submitted before the learned Judicial Magistrate, Melur on 19.8.2011 and in the said report, it is clearly mentioned that

"The complaint is baseless, it is created, false and no correction with the Petitioner and the case was referred as mistake of fact". The Petitioner submitted his enrolment application before the respondents on 4.9.2013 and he also sent a detailed representation together with mistake of fact reports to the respondents. It appears that no action has been taken to enrol him as an Advocate.

4. Apart from the above, his mother-in-law filed a Protest Petition before the trial Court in Crl.M.P. No. 2202 on 09.02.2012 and hence he filed Crl.M.P. No. 8645 of 2014 on the file of this Court praying for passing of an order by this Court in issuing a direction to the Trial Court to dispose of the said Crl.M.P. No. 2202 of 2012 within the period to be determined by this Court. On 23.6.2014, this Court had passed the following order:

"6.....There is no case pending against the Petitioner. However, the respondent seems to refuse to give a certificate regarding no criminal case is pending to enable the Petitioner to enrol himself as an Advocate. Therefore, this Criminal Original Petition is disposed of with a direction to the Learned Magistrate to expedite the hearing in Cr.M.P. No. 2202 of 2012 and pass suitable orders within a period of four weeks from the date of receipt of a copy of this order taking note of the fact that there is no case pending against the Petitioner""

5. He sent a representation to the Respondents 1 and 2 on 7.11.2014 along with necessary documents. Till date, no action has been taken in the matter by the Respondents.

6. The grievance of the Petitioner is that he hails from a poor family and he comes from a socially and economically backward status and further, he is a first graduate in his family and his juniors who studied with him have already enrolled one year before and as such, he is loosing his seniority.

7. Admittedly, the Petitioner's representation, dated 7.11.2014 together with the relevant documents are pending. Till date, the Petitioner's representation has not met with a positive result.

8. Considering the fact that the relief sought for by the Petitioner in the present Writ Petition is for passing of an order by this Court in directing the Respondents to consider his representation along with necessary enclosures/documents, this Court in the interest of justice and fair play, directs the Respondents to consider the representation of the Petitioner, dated 7.11.2014 on merits within a period of four weeks from the date of receipt of a copy of this Order and to dispose of the same in the manner known to law and in accordance with law.

9. With the aforesaid observations and directions, the Writ Petition stands disposed of. No costs.