



W.P.No.26147 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

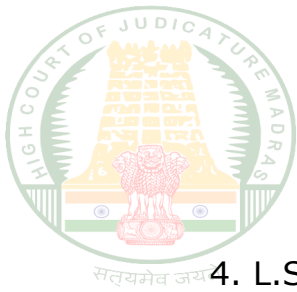
W.P.No.26147 of 2026
and WMP No.28547 of 2026

M.Gnanasekar
Advocate Enroll No.574/1989
No.156, Thambu Chetty Street
2nd Floor, Room No.9,
Andhra Insurance Building
Chennai-600 001.

Petitioner(s)

Vs

1. The Secretary
Bar Council of Tamilnadu and Puducherry
Bar Council Building, High Court Campus,
Chennai-600 104.
2. Justice K.N.Basha
Former Judge Madras High Court
Returning Officer, Bar Council of Tamilnadu
and Puducherry Election 2026
Bar council of Tamilnadu and Puducherry
Chennai-600 104.
3. Justice Rajiv Shakdher (Retired)
M.E.Om Prakash, Senior Advocate
Dr.Amit George High Power Committee-Phase 5-C
For the Bar Council of Tamilnadu and Puducherry
Service through the 1st respondent.



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4. L.Sumathi

Advocate (Serial No.124)
State Secretary, Legal Wing
of Viduthalai Ciruthaigal Katchi
No.22/18 Murugesan Street, Sembium
Perambur, Chennai-600 001.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 2 and 3 to disqualify the 4th respondent on the basis of the petitioner's representations dated 20.3.2026 and 11.6.2026 by directing respondent 2 and 3 to enquire into the allegations of political interference.

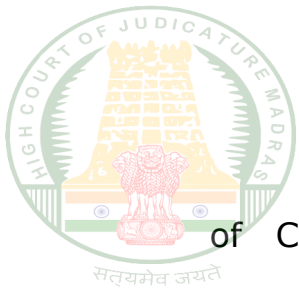
For Petitioner(s): Mr.M.Gnanasekar
(Party-in-Person)

For Respondent(s): Mr.C.K.Chandrasekhar
Standing Counsel
for R1

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner, a practising advocate, has moved this court under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to compel respondents Nos.2 and 3 to disqualify fourth respondent from contesting the Bar Council Elections 2026. The gravamen of the petitioner's grievance is based on the assertion that the fourth respondent violated Clause (7) of the Code



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of Conduct and Guidelines dated 28.02.2026, which strictly interdicts candidates from invoking political or religious affiliations to garner electoral support.

2. The petitioner contends that despite detailed representations sent on 20.03.2026 and 11.06.2026 pointing out conspicuous political sponsorship and campaign activities on social media by a political entity, viz., the Viduthalai Chiruthaigal Katchi (VCK), in support of the fourth respondent, respondent Nos.2 and 3 have not taken any action.

3. We are confronted, at the very threshold, with a legal impediment regarding the maintainability of this writ petition during the currency of an ongoing election process. It is an axiomatic principle of election jurisprudence, crystallized through a long line of judicial precedents, that once the electoral wheel is set in motion, its momentum cannot be arrested or deflected by the intervention of courts.



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4. By invoking its extraordinary powers under Article 142 of the Constitution, the Supreme Court evolved a comprehensive mechanism to ensure time-bound, fair, and transparent elections for the State Bar Councils vide its decision in *M.Varadhan Vs. Union of India and Another*¹. In paragraph (20) of the said decision, the Supreme Court absolutely bars the jurisdictional overreach by civil and constitutional courts. It is seemly to reproduce paragraph (20) of the said decision hereunder:

*"20. Any person who is aggrieved by the decision of the High-Powered Election Committee shall be at liberty to approach the High-Powered Supervisory Committee. The decision taken by the Supervisory Committee shall be final. **No civil court or High Court shall entertain any petition(s) against such decision.**"*

[emphasis supplied]

5. This clear-cut ouster of jurisdiction is not merely a procedural guideline, but a binding constitutional command that completely denudes this court of its authority to entertain disputes of this nature at this juncture.

¹ Order dated 18.11.2025 passed in W.P. (Civil) No. 1319/2023



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6. Furthermore, this absolute prohibition also finds place in Clause (11) of the Election Notification 2026 promulgated by the High-Powered Election Committee Phase V-C, which unequivocally mandates:

"11. As per the Orders of the Hon'ble Supreme Court, no Civil Court or High Court shall entertain any Petition against such Decision."

7. Even otherwise, the law does not leave the petitioner remediless, it merely defers the remedy to a legally appropriate forum at an appropriate time. As per the Election Rules governing the Bar Council, the petitioner is fully empowered to ventilate all grievances, including allegations of corrupt practices and violations of the Code of Conduct, by way of an election petition after the conclusion of the elections. An election cannot be aborted midway through a writ petition when an efficacious post-election statutory remedy exists under the governing regulatory rules.



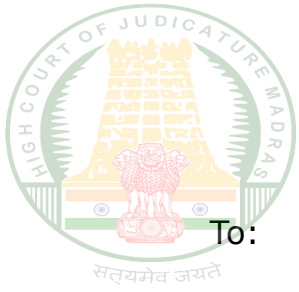
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8. In view of the categorical embargo imposed by the Supreme Court in *M.Varadhan* (supra) and reiterated by Clause (11) of the Election Notification 2026, this writ petition is wholly misconceived and legally unmaintainable, more so, when the petitioner himself relies on Clause (7) of the very same Election Notification in support of his claim.

As a sequel, this writ petition stands dismissed, sans costs. Consequently, connected interim application stands closed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
14.07.2026

Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

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