



W.P.No.26170 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.26170 of 2026
and W.M.P.No.28528 of 2026

M.K.Elangovan
S/o.K.Kandaswamy,
Advocate, Enrolment No.1937/ 2001.

Petitioner

Vs

- 1.The Bar Council of Tamil Nadu and
Puducherry,
Rep. by its Secretary,
High Court Campus,
Chennai-600 104.
- 2.The High Powered Election
Committee/Returning Officer
Bar Council Election - 2026,
Bar Council of Tamil Nadu and
Puducherry,
High Court Campus,
Chennai-600 104.

Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records relating to the proceedings of the Returning Officer in Proceedings No.6 of 2026 dated 23.06.2026, quash the same and consequently direct the respondents to reconsider/re-scrutinize the votes declared invalid in accordance with law.

For Petitioner: Mr.L.P.Shanmugasundaram

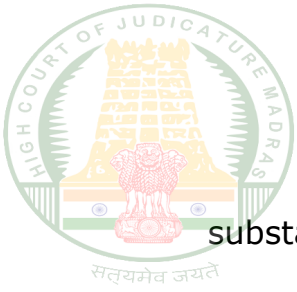
For Respondents: Mr.C.K.Chandrasekhar
Standing Counsel

ORDER

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

Calling into question the proceedings of the Returning Officer, Bar Council Election-2026, dated 23.6.2026, the petitioner has filed the present writ petition under Article 226 of the Constitution of India. The petitioner had also sought consequential relief of re-consideration of the votes declared as invalid.

2. The petitioner contends that he contested the election to the Bar Council of Tamil Nadu and Puducherry, 2026 as Candidate No.28. During the process of scrutiny and counting of ballot papers, a



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substantial number of ballot papers containing clear and valid first preference votes in favour of the petitioner have been rejected by the election authorities on hyper-technical grounds. In fact, in several ballot papers, the voters have clearly indicated their first preference in favour of the petitioner by marking the numeral "1" and in some cases, the voters have written "01", enriched the numeral "1" or placed an additional tick mark alongside the first preference to emphasize and safeguard their vote and such marking does not create any ambiguity regarding the intention of the voter.

3. The petitioner further contends that when the first preference vote is clear and unambiguous, the same cannot be rejected merely because of insignificant corrections, circling of the preference number writing "01", instead of "1". Therefore, the rejection of such ballot papers, despite a valid first preference vote, is arbitrary, unreasonable and contrary to the principles governing preferential voting. On 11.6.2026, the petitioner has submitted a representation to the second respondent for reconsideration of the rejected ballot papers, however, the Returning Officer, without considering the merits of the claim, passed the impugned proceedings.



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4. 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.

5. 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

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



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*Committee shall be final. **No civil court or High Court shall entertain any petition(s) against such decision.***

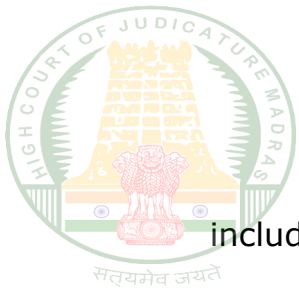
[emphasis supplied]

6. 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.

7. 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."

8. 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,



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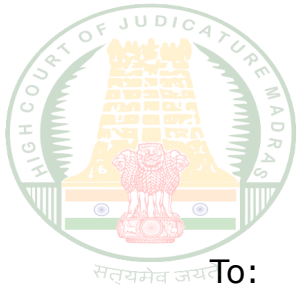
including allegations of arbitrary rejection of ballot papers, by way of an election petition after the conclusion of the elections. An election cannot be aborted midway through a writ petition when an efficacious post-election statutory remedy exists under the governing regulatory rules.

9. 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.

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

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
15.07.2026

Index : Yes/No
Neutral Citation : Yes/No
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To:

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Bar Council of Tamil Nadu and
Puducherry,
High Court Campus,
Chennai-600 104.
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Bar Council Election - 2026,
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