



W.P.No.31323 of 2026 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.Nos.31323, 31456 and 31501 of 2026
and W.M.P.Nos.34415, 34416, 34420, 34421, 34580, 34582, 34785
and 34786 of 2026

W.P.No.31323 of 2026:

K.Balu
Elected Member, Bar Council of Tamilnadu
and Puducherry, No.J-75A, J Block
Plot No.1993, 3rd Street, 15th Main Road,
Anna Nagar, Chennai - 600040.

Petitioner(s)

Vs

1. The Chairman
Bar Council of India,
21, Rouse Avenue Institutional Area,
Near Bal Bhawan, New Delhi - 110002.
2. The Bar Council of India
Rep. by its Secretary,
21, Rouse Avenue Institutional Area,
Near Bal Bhawan, New Delhi - 110002.
3. The Bar Council of Tamilnadu and
Puducherry, Rep. by its Secretary
High Court Campus, Chennai - 600104.



W.P.No.31323 of 2026 etc.

4. S.Prabakaran
Senior Advocate,
No.63, Bharathiyar Street,
Venkatesan Nagar, Chennai - 600082.
5. J.Priscilla Pandian
Advocate, No.2, Manju Block,
Chitra Avenue, Choolaimedu High Road,
Choolaimedu, Chennai - 600094.
6. D.Saravanan
Advocate, No.2/561, Sundeepeast,
1st Main Road, Neelangarai,
Chennai - 600115.
7. N.Marappan
Advocate, No.76/7P, Thanthoni East Street,
Opp to Athimaraianman Temple,
Sungate, Karur - 639001.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for records of the impugned communication vide BCI.D.4649/2026 dated 16.07.2026 and subsequent communication vide BCI/D/4658/2026 dated 17.07.2026 and the reply dated 27.07.2026 in BCI.D.4735/2026 dated 27.07.2026 issued by the 2nd respondent and the impugned order passed by the 1st respondent dated 31.07.2026 and quash the same and consequently direct the 1st and 2nd respondent to permit the elected members to perform the administrative functions of the Bar Council of Tamilnadu and Puducherry as per the circular issued by the 2nd respondent dated 12.05.2026.



W.P.No.31323 of 2026 etc.

For Petitioner(s): Mr.V.Raghavachari
Senior Counsel
for Mr.K.Muthuramalingam

For Respondent(s): Mr.S.R.Raghunathan
Standing Counsel
for R1 and R2

Mr.C.K.Chandrasekhar,
for R3

W.P.No.31456 of 2026:

M.Kannan
S/o.Murugesan
Advocate (Enrollment No.MS 3389/2022)
342 Law Chamber, Madras High Court
Chennai-600 104.

Petitioner(s)

Vs

1. The Bar Council of India
Rep by its Secretary
21, Rouse Avenue Institutional Area,
Near Bal Bhawan, New Delhi - 110002.
2. The Bar council of Tamilnadu and Puducherry
Rep by its Secretary, High Court Campus
Chennai-600 104.
3. The Advocate General of Tamilnadu
(Ex-Officio Member, Bar Council of Tamilnadu
and Puducherry), High Court Campus,
Chennai-600 104.
4. S.Prabakaran
Vice Chairman, Bar Council of India
21, Rouse Avenue Institutional Area,
Near Bal Bhawan, New Delhi - 110002.

Respondent(s)



W.P.No.31323 of 2026 etc.

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 order dated 31.7.2026 passed by the 1st respondent and quash the same as illegal and ultra vires consequently direct the respondent No.3 (Advocate General, Ex-Officio Member) along with Respondent No.2 (Secretary) act as authorised signatories for enrollment and essential financial functions till the first meeting of the newly elected State Bar Council is convened.

For Petitioner(s): Mr.K.Easwar

For Respondent(s): Mr.S.R.Raghunathan
Standing Counsel
for R1

Mr.C.K.Chandrasekhar
Standing Counsel
for R2

W.P.No.31501 of 2026

M.Velmurugan
S/o. Late.M.K.Manickam,
Member of the Bar Council of Tamil Nadu
and Puducherry, Having Office at 6,
Esplanade, Parrys Corner,
Chennai-600 104.

Petitioner(s)

Vs

1. The Bar Council of India
Rep. by its Secretary,
21, Rouse Avenue Institutional Area,
Near Bal Bhawan, New Delhi - 110002.



W.P.No.31323 of 2026 etc.

2. Manan Kumar Mishra
Senior Advocate, Chairman,
Bar Council of India
(in his individual capacity)
21, Rouse Avenue Institutional Area,
Near Bal Bhawan, New Delhi - 110002.
3. S. Prabakaran,
Senior Advocate, Vice-Chairman,
Bar Council of India, 172 Thambu Chetty Street,
1st Floor, Chennai, Also at
21, Rouse Avenue Institutional Area,
Near Bal Bhawan, New Delhi - 110002.
4. The Bar Council of Tamil Nadu and Puducherry
Rep. by its Secretary, High Court Campus,
Chennai-600 104.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records relating to the order dated 31.07.2026 passed by the second respondent, the Chairman of the Bar council of India, in the matter of the "limited interim arrangement" for the Bar Council of Tamil Nadu and Puducherry and quash the same.

For Petitioner(s): Mr. K.S. Elangovan

For Respondent(s): Mr.S.R.Raghunathan
Standing Counsel
for R1

Mr.C.K.Chandrasekhar,
Standing Counsel
for R2



W.P.No.31323 of 2026 etc.

COMMON ORDER

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

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In the institutional matrix governed by the Advocates Act, 1961, the relationship between the Bar Council of India and the State Bar Councils is designed as a harmonious federal partnership rather than a hierarchy of subordination. However, when transitional interregnums occur, particularly during the delicate passage from the completion of elections to the formal constitution and assumption of office by newly elected representatives, this equilibrium is tested.

2. The present batch of writ petitions emerges from precisely such an administrative interregnum regarding the interim governance, enrollment and administrative management of the State Bar Council.

3. The petitioners, comprising newly elected members of the Bar Council of Tamil Nadu and Puducherry as well as practising advocates, have knocked on the doors of this court under Article



W.P.No.31323 of 2026 etc.

226 of the Constitution of India, challenging the various communications and orders issued by the Bar Council of India, specifically the communications dated 16.07.2026, 17.07.2026, dated 27.07.2026, and the order dated 31.07.2026 passed by the Chairman, Bar Council of India.

4. The core contentions canvassed on behalf of the petitioners across the writ petitions are culled out as under:

(i) The petitioners contend that upon the completion of counting under judicial supervision and the formal notification of the 23 newly elected members in the Tamil Nadu Government Gazette Extraordinary No.324, dated 24.07.2026, the statutory term of office of the newly elected members commenced by operation of Section 8 of the Advocates Act, 1961. Consequently, any interim mechanism that excludes elected members or installs unelected candidates to run the affairs of the State Bar Council displaces the democratic mandate and violates the statutory scheme of the Act.



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W.P.No.31323 of 2026 etc.

(ii) The petitioners highlight that the Bar Council of India had previously laid down a clear policy vide Circular dated 12.05.2026, permitting elected members to take charge of day-to-day administrative affairs immediately upon Gazette notification. The subsequent issuance of impugned communications creating a nominated "*limited interim arrangement*" composed of unelected candidates constitutes an arbitrary, inconsistent and colourable exercise of power.

(iii) The petitioners argue that under Section 10(1) (b) of the Advocates Act, 1961, the power to manage enrollment procedures rests exclusively with the State Bar Council and its Enrollment Committee. Mandating that enrollment certificates be jointly signed by national office-bearers or nominated persons outside the statutory framework usurps the autonomous jurisdiction of the State Bar Council.



W.P.No.31323 of 2026 etc.

(iv) The petitioners place reliance on the order dated 31.7.2026 passed by the High Court of Kerala in *Prasad Chandran & Anr. v. Bar Council of India* [W.P. (C) No. 25168 of 2026], wherein a similar interim arrangement nominating unelected persons to administer a State Bar Council post-election notification was stayed on the ground that it infringed the democratic essence of the Advocates Act, 1961.

5. When these matters were taken up for consideration, learned counsel appearing for the Bar Council of Tamil Nadu and Puducherry placed before this court the Minutes of the Administrative Committee meeting held on 04.08.2026.

6. Learned Standing Counsel for the State Bar Council submitted that the Administrative Committee headed by learned Advocate General of Tamil Nadu, as Ex-Officio Member, alongside newly elected members, met on 04.08.2026 and unanimously



W.P.No.31323 of 2026 etc.

passed resolutions addressing the immediate statutory and enrollment requirements. He drew our attention to the specific point that the Administrative Committee resolved to convene Enrollment Committee meetings on 06.08.2026 and 07.08.2026 and schedule the Enrollment Functions for new entrants on 10.08.2026 and 12.08.2026. Learned counsel for the Bar Council of Tamil Nadu submitted that this Committee consisting strictly of elected members will act purely as an interim arrangement to manage the affairs of the State Bar Council and conduct enrollments till the permanent statutory committees are formally constituted.

7. Learned Standing Counsel appearing for the Bar Council of India, across the Bar, explicitly endorsed the Resolution passed by the Administrative Committee of the Bar Council of Tamil Nadu dated 04.08.2026, confirming that the Bar Council of India accepts this interim arrangement consisting of elected members for managing the enrollment and day-to-day statutory affairs of the State Bar Council.



W.P.No.31323 of 2026 etc.

8. We have considered the resolution dated 04.08.2026, wherein, without referring to any of the impugned proceedings, learned Advocate General along with the notified elected members have independently constituted an Interim Committee. This Committee, comprising exclusively of members who have been duly elected and notified in the official Gazette, has stepped forward to govern the interim management of the Enrollment Committee and the administrative functions of the Bar Council of Tamil Nadu and Puducherry until the permanent statutory committees are fully constituted.

9. In view of these subsequent developments, the grievance raised by the petitioners regarding the inclusion of unelected persons stands completely extinguished. Consequently, though various orders and communications of the Bar Council of India were put to challenge on very many legal grounds, this court deems it unnecessary to adjudicate upon or decide the wider questions regarding the scope and extent of the supervisory powers of the Bar Council of India under the Advocates Act, 1961. All such legal issues are left open.



W.P.No.31323 of 2026 etc.

WEB COPY

10. As a sequel, we hold that the independently constituted Interim Committee comprising the elected members, as reflected in the Resolution dated 04.08.2026, shall exclusively manage the affairs and enrollment functions of the Bar Council of Tamil Nadu and Puducherry as an interim arrangement, until the permanent committee is formally constituted in accordance with law. All pending enrollment applications and administrative functions shall be processed seamlessly by the said Interim Committee of elected members in terms of the Resolution dated 04.08.2026.

With the above directions and observations, all the writ petitions stand disposed of. No costs. Consequently, connected interim applications are closed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
07.08.2026

Index : Yes/No
Neutral Citation : Yes/No
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W.P.No.31323 of 2026 etc.

To:

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Bar Council of India,
21, Rouse Avenue Institutional Area,
Near Bal Bhawan, New Delhi - 110002.
2. The Secretary, Bar Council of India
21, Rouse Avenue Institutional Area,
Near Bal Bhawan, New Delhi - 110002.
3. The Secretary,
Bar Council of Tamilnadu and Puducherry,
High Court Campus, Chennai - 600104.
4. The Advocate General of Tamilnadu
(Ex-Officio Member, Bar Council of Tamilnadu
and Puducherry), High Court Campus,
Chennai-600 104.



WEB COPY



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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

W.P.Nos.31323, 31456 and 31501 of 2026

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