

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.30802 of 2013
and M.P.Nos.1, 2, 5, 6 and 10 of 2013
and M.P.No.1 of 2014

E.Ashokkumar ... Petitioner

-vs-

- 1.The Registrar General,
High Court of Judicature at Madras,
High Court Buildings, Chennai 600 104.
- 2.M/s.Madras High Court Advocates'
Association, Rep. by its Secretary,
High Court of Madras, Chennai 600 104.
- 3.Teller Committee,
Rep. by its Chairman, Mr.G.Rajagopalan.
- 4.Teller Committee,
Rep. by its Member, Mr.L.Chandrakumar.
- 5.Teller Committee,
Rep. by its Member, Ms.P.T.Asha.
- 6.Teller Committee,
Rep. by its Member, Mr.V.Parthiban.
- 7.Teller Committee,
Rep. by its Member, Mr.V.Manoharan.
- 8.The Deputy Commissioner of Police,
Flower Bazaar District,
Chennai 600 001.

- 9.R.C.Paul Kanagaraj
- 10.K.Gini Manuel
- 11.S.Arivazhagan
- 12.S.Kamaraj
- 13.Krishnakumar

14.K.Gopal
15.K.Subramanian
16.N.Subramani
17.N.S.Malini
18.A.Rajaraman
19.A.Veeramarthini
20.J.H.Iniyan
21.Svetlana Reguraman
22.V.Nanmaran
23.T.R.Thara
24.G.Rajesh
25.G.Mohanakrishnan
26.M.Shreedhar
27.R.Sivasankar

(RR25 to 27 impleaded as per Order
dt.28.11.2013 in Mps.7 to 9 of 2013)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records pertaining to the election held on 10.10.2013 with respect of election of office bearers of the Madras High Court Advocates Association i.e. 1st respondent Association and quash the same and for direction, to constitute a High level committee headed by a Hon'ble Retired Judge of this Court or any other person of competence to probe and conduct an enquiry and submit a report thereon and if necessary monitor and foresee and supervise the conduct of election for the office bearers of the 1st respondent to be held in accordance with law in a free and fair manner.

For Petitioner : Mr.E.Soundar Rajan
For Respondents : Mr.V.Vijayashankar for R-1
: Mr.S.R.Rajagopal for R-2
: Mr.Niranjan Rajagopalan for R-3
: Mr.R.Subramanian for RR 4 to 7
: Mr.K.Elangovan for R-9
: Mr.L.Rajasekar for R-12
: Mr.G.Padmanabhan for R-15
: Mr.T.Jaishankar for R-17
: Mr.A.Jayachandran for R-18
: M/s.M.V.Kanimozhi for R-19
: Mr.C.Regu Rajan for R-21
: M/s.T.Mathi for R-22
: Mr.G.Mohanakrishnan/P-in-P/R-25
: Mr.M.Sreedhar/P-in-P/R-26
: Mr.D.S.Rajasekaran for R-27

O R D E R
(Order of the Court was made by The Hon'ble Chief Justice)

The petition appears to have worked itself out as the tenure for which the persons were elected is already over. It is, however, pleaded that the persons are still continuing in office. But then, that is a consequence of the fact that the electoral rolls have not been finalised, as the principle of 'one bar one vote' has been laid down and the Bar Council is carrying out an exercise at the State level, where advocates have to give their options whereafter the electoral rolls will be drawn up as to who is entitled to vote.

2.Learned counsel appearing for the Association, who is also the counsel for the Bar Council, submits that the aforesaid exercise is in the way, but so far the exercise is being undertaken upto the year of enrollment in 2010. Post 2010, the advocates have to appear for the Bar exam. To our mind, that would not make any difference as the principle of one bar one vote has to apply across the Bar. We may note that there may be further requirement also to be fulfilled, for example, as pointed out before the Court, that there must be a membership of at least two years before a person can vote.

3.We are, thus, of the view that really speaking the petition is infructuous and is, accordingly, disposed of. No costs. Consequently, all the connected miscellaneous petitions stand closed.

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

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To

1.The Registrar General,
High Court of Judicature at Madras,
High Court Buildings, Chennai 600 104.

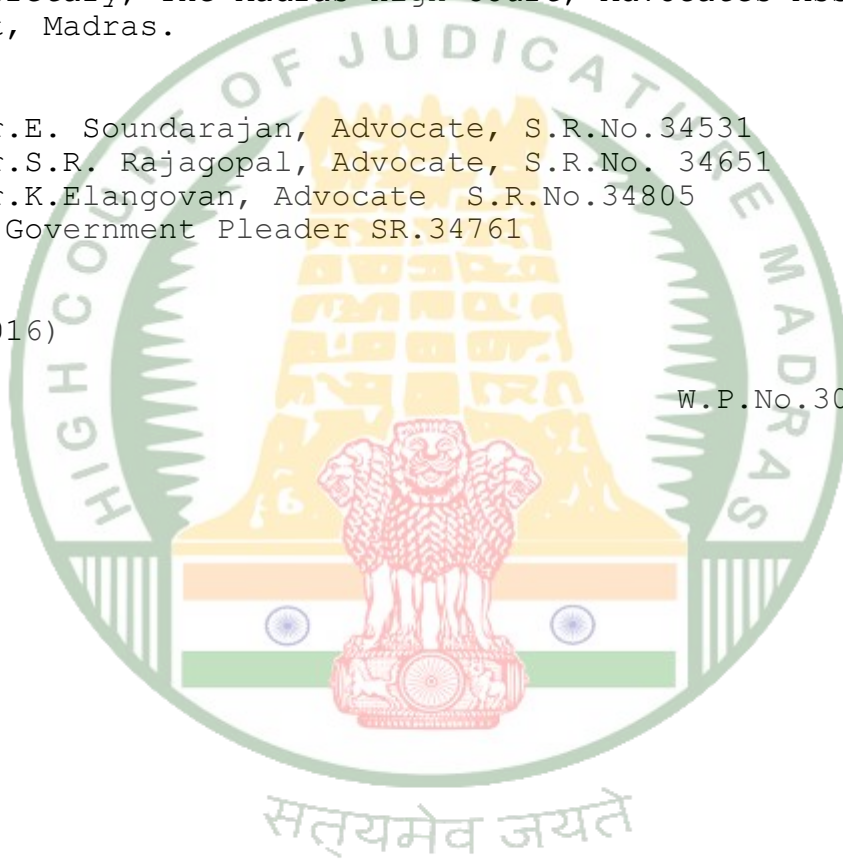
2. The Deputy Commissioner of Police,
Flower Bazaar District, Chennai 600 001.

3. The Secretary, The Madras High Court, Advocates Association,
High Court, Madras.

+1cc to Mr.E. Soundarajan, Advocate, S.R.No.34531
+1cc to Mr.S.R. Rajagopal, Advocate, S.R.No. 34651
+1cc to Mr.K.Elangovan, Advocate S.R.No.34805
+ 1 cc to Government Pleader SR.34761

PA(CO)
EU(5/07/2016)

W.P.No.30802 of 2013



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