

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2016

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH
and
THE HON'BLE Mr. JUSTICE K.RAVICHANDRABAABU

W.P.No.27531 of 2016
and
W.M.P.Nos.23728 and 23729 of 2016

N.Balamurugan

.. Petitioner

Vs.

1.The Secretary,
Bar Council of India,
21, Rouse Avenue Institutional
Area, New Delhi - 110 002.

2.The Secretary,
Bar Council of Tamil Nadu and
Puducherry,
High Court Campus,
Chennai - 104.

3.The General Secretary,
Pondicherry Bar Association,
Integrated Court Complex,
Cuddalore Road,
Puducherry - 605 001.

4.Abdul Rachide,
Election Officer,
Pondicherry Bar Association,
Integrated Court Complex,
Cuddalore Road,
Pondicherry - 605 001.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing respondents 3 and 4 to follow Certificate of Practice Rules, 2015 also to follow the principle of one bar-one vote before conducting the election for the third respondent association.

For Petitioner : Mr.S.T.Raja
for M/s.Om Sairam

For Respondents : Mr.R.Singaravelan,
Sr. Counsel
for M/s.M.Srividhya for R2

Mr.G.K.Ilanthirayan
for M/s.Sai, Bharath and
Ilan for R3

Mr.R.Yashodvardhan,
Sr. Counsel
for Mr.V.Balamurgane for R4

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner, who is a member of the third respondent Association has come forward to file the writ petition, seeking a writ of mandamus, directing respondents 3 and 4 to follow Certificate of Practice Rules, 2015 apart from the principles governing one bar-one vote for conducting the ensuing election to the third respondent Association.

2.Learned counsel for the petitioner submits that Rule 23 read with 32 of the Bar Council of India Certificate and Place of Practice (Verification) Rules, 2015 (for short 'the Rules'), has not been complied with. Therefore, updating of electoral roll is to be done by the State Bar Council and hence, election proposed shall not be allowed to go on. He further submits that in the event of the election being allowed to proceed with, Rule 32 of the Rules should be followed by constituting an Adhoc Committee for the above said purpose and the principle governing one bar-one vote as held by this Court as well as the Apex Court has to be followed.

3.Learned senior counsel appearing for the fourth respondent submits that the Notification aforesaid of the Bar Council of India is meant to be applied only for the election to the various State Bar Councils and it has no relevancy or applicability to the election to the Associations of lawyers. It is further submitted that insofar as the principle governing one bar-one vote is concerned, an undertaking would be insisted and an endeavour be made to follow the same while conducting the present election.

4.Considering the above submissions made by the learned counsels, this Court is of the view that as rightly submitted by the learned senior counsel for the fourth respondent, Rule 23 r/w 32 of the Rules does not have any application to the case on hand as it is meant for the State Bar Councils alone. The further submission made by the learned senior counsel for the

fourth respondent that one bar-one vote would be followed in letter and spirit is recorded accordingly.

5. With the above observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

mmi

-s/d-

Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

1. The Secretary,
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3. The General Secretary,
Pondicherry Bar Association,
Integrated Court Complex,
Cuddalore Road,
Puducherry - 605 001.

+ 1 cc to Mr. V Balamurugane, Advocate SR 46451

+ 1 CC to Mr. S. T. Raja, Advocate sr no 46164[24/10/2016]

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