

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.08.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice R.MAHADEVAN

W.P.No.3093 of 2016

K.Elango alias M.K.Elangovan ... Petitioner

Versus

1.The Bar Council of Tamil Nadu
rep. by its Secretary,
NSC Bose Road, Chennai 600104.

2.Coimbatore Bar Association
represented by its President,
Combined Court Complex,
Coimbatore.

3. The Secretary,
Coimbatore Bar Association,
Combined Court Complex,
Coimbatore. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus, to direct the 1st respondent to permit the petitioner to cast the vote of the petitioner and others who were made affidavit of declaration to declare their voting rights before the 2nd respondent in the election proposed to be conducted on 29.01.2016 in the office of the 2nd respondent by considering the representation of the petitioner herein dated 20.01.2016.

For Petitioner ::: Mr.L.Chandrakumar
for Mr.R.Nalliappan

For Respondents ::: Mr.S.Y.Masood for R.1
Mr.S.R.Balasubramanian for R.2
Mr.N.G.R.Prasad for

Mr.V.Govardhanan for R.3

O R D E R

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

The controversy emanates from the petitioner being a Member
of more than one Bar Association and the requirement prescribed

by the Coimbatore Bar Association that the right to vote would be restricted to Members practising in that Association, who are not voting elsewhere. In this behalf, it may be noticed from the counter affidavit filed by the Bar Council also that the norms will now require that every Association abide by this - multiple membership of Associations may entitle enjoyment of rights in those Associations, but without voting rights, which shall be restricted to only one Association.

2. The case of the petitioner is that he subsequently shifted to Coimbatore, as alleged, on account of having become Additional Public Prosecutor. However, he made the mistake of not informing the other Association viz., Mettupalayam Association that he will not exercise votes there, while simultaneously claiming exercise to vote in the Coimbatore Bar Association. This is the reason why he was deprived of the right of voting.

3. The elections are over.

4. We are thus of the view that in the conspectus of the aforesaid, no directions are liable to be passed.

5. The writ petition is thus closed, leaving the parties to bear their own costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Secretary, Bar Council of Tamil Nadu
NSC Bose Road, Chennai 600104.

2.The President, Coimbatore Bar Association
Combined Court Complex, Coimbatore.

3. The Secretary, Coimbatore Bar Association,
Combined Court Complex, Coimbatore.

+1 cc to M/s.Row & reddy, advocate,sr.44957

+1 cc to mr.R.Nalliyappan,advocate,sr.44924

+1 cc to Mr.S.R.balasubramaian, sr.44836

+1 cc to Mr.S.Y.Masood, advocate,sr.45176

vsn(co)

krd 18/8

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