



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated :12.07.2017

CORAM:

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**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.A.[MD].Nos.33 and 34 of 2014
and
M.P. (MD) Nos.1 and 1 of 2014

T.Thenmohan ... Appellant/2nd Respondent in
both Writ Appeals

Vs.

1.M/s.Kovilpatti Bar Association,
Represented by its Secretary,
Mr.A. Balasubramanian,
Court Complex,
Kovilpatti,
Tuticorin District. ... 1st Respondent/ Petitioner
in both Writ Appeals

2.The Bar Council of Tamil Nadu,
Represented by its Secretary,
High Court Campus,
Chennai - 600 104. ... 2nd Respondent /1stRespondent in
both Writ Appeals

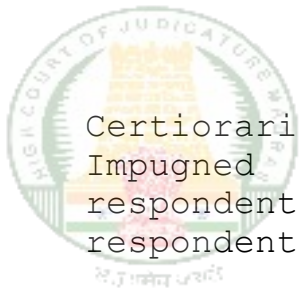
COMMON PRAYER: Writ Appeals are filed under Clause 15 of the Letters Patent, to set aside the orders passed by this Court, dated 09.12.2013, in M.P.(MD).Nos.1 and 2 of 2013 in W.P.(MD). No.19585 of 2013.

Prayer in MP(MD). 1 and 2/ 2013 in WP(MD).19585/2013 :

To Stay the operation of Impugned Resolution No.210 of 2013 dated 05.10.2013 of 1st respondent. (MP(MD)No.1/2013) and (ie) to pass an order of direction directing the 1st Respondent to provide Advocate Welfare Stamp to the Petitioner's association (MP (MD)No.2/13) respectively pending.

Prayer in WP(MD). 19585/ 2013 :

<https://hcservices.ecourts.gov.in/hcservices/> Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of



Certiorarified Mandamus, calling for the records relating to the Impugned Resolution No.210 of 2013 dated 05.10.2013 of 1st respondent and quash the same and in consequence direct the 1st respondent to provide Advocate Welfare Stamps to the Petitioner.

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For Appellant : Mr.F.X.Eugene
in both writ appeals
For R.1 : Mr.B.Rajesh Saravanan
in both writ appeals

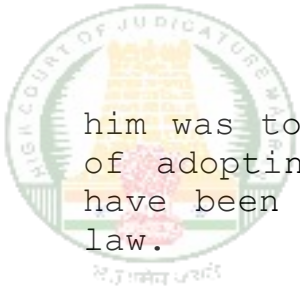
COMMON JUDGMENT

[Judgment of the Court was delivered by G.R.SWAMINATHAN, J.]

The second respondent in the Writ Petitions, aggrieved by the orders dated 09 December 2013, in M.P(MD).Nos.1 and 2 of 2013 in W.P.(MD).No.19585 of 2013, has filed these two intra court appeals.

2.Kovilpatti Bar Association represented by its Secretary, Mr.A.Balasubramanian, filed W.P.(MD).No.19585 of 2013, challenging the Resolution No.210 of 2013, dated 05 October 2013, passed by the first respondent Bar Counsel of Tamil Nadu. Certain internal disputes had arisen in Kovilpatti Bar Association. On account of this, the members of Association were not getting Advocates' Welfare Stamps. Therefore, the instant Writ Petition was filed challenging the said resolution. Pending disposal of the writ petition two reliefs were sought. One was for directing the Bar Council of Tamil Nadu to provide Advocates' Welfare Stamps to the writ petitioner's association. The second interim relief was for staying the operation of the resolution impugned in the Writ Petition.

3.Both the Miscellaneous Petitions were taken up on 09 December 2013. Both the contesting parties agreed that insofar as the Bar Council Welfare Stamps are concerned, they have to be sold to all members concerned in the Kovilpatti Bar Association without any discrimination. It was also suggested that stamps will be distributed by two Advocates namely, Mr.M.Palanisamy and Mr.A.Ilango. They would be responsible for payment of money to the Bar Council of Tamil Nadu. They would maintain proper accounts. With regard to conduct of the election also there was consensus with regard to the course of action adopted. Thus, the consent order was passed by the learned single Judge on 09 December 2013 in M.P(MD).No.1 of 2013 in W.P(MD).No.19585 of 2013. When the second respondent in the writ petition was represented by the counsel and the consent order was passed based on the consent of the respondent, these writ appeals obviously cannot lie. If according to the writ appellant, he did not give such a consent, the only course open to



him was to have moved the very same learned single Judge. Instead of adopting such a course of action, the present Writ Appeals have been filed. We can only term it as an abuse of process of law.

4. Accordingly, these Writ Appeals stand dismissed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub-Assistant Registrar

To

The Secretary,
The Bar Council of Tamil Nadu,
High Court Campus,
Chennai - 600 104.

+2ccs to Mr.F.X.Eugene, Advocate, SR.Nos.64893 and 64894

+One cc to Mr.B.Rajesh Saravanan, Advocate, SR.No.65021

gsp/km/das

RL/5C/3P/KK/SAR3/28/7/2017

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