



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2018

CORAM:

WEB COPY

**THE HONOURABLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM**

W.P.[MD].No.4834 of 2018

and

W.M.P.[MD].Nos.4844 to 4846 of 2018

S.Balakarthick

: Petitioner

Vs.

1.The Secretary,

Bar Council of Tamilnadu & Puducherry,
Madras High Court Campus,
Chennai - 600 104.

2.The Returning Officers,

Bar Council of Tamilnadu & Puducherry,
Madras High Court Campus,
Chennai - 600 104.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the impugned notice of the 2nd respondent dated 27.02.2018 and quash the same illegal and unwarranted and direct the 1st respondent to issue Certificate of Practice as per the Certificate and Place of Practice (Verification) Rules, 2015 and Identity Card forthwith.

For Petitioner

: Mr.A.John Xavier

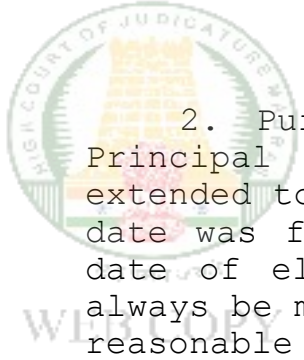
For Respondents

: Mr.Niranjana S.Kumar

O R D E R

[Order of the Court was made by **The Hon'ble Chief Justice**]

This writ petition is directed against a notice dated 27th February, 2018, issued by Mr.Justice G.M.AKBAR ALI (Retd.) and Dr.Justice T.MATHIVANAN (Retd.), appointed Returning Officers for the elections of the Bar Council of Tamil Nadu and Puducherry, scheduled to be held on 28th March 2018. By the aforesaid notice, the advocates/voters, who do not have valid identity cards issued by the Bar Council of Tamil Nadu and Puducherry and the advocates/voters, who are in possession of expired identity cards have been requested to apply for new Identity Cards in the prescribed form on or before 10th March 2018.



2. Pursuant to the undertaking given to this Court at its Principal seat, the date for receipt of applications had been extended to the closing of working hours on 12th March 2018. The last date was for the purpose of issuance of identity cards before the date of election. Applications for renewal of identity cards can always be made and such applications have to be disposed of within a reasonable time.

3. We are informed that the identity cards of advocates/voters, who applied for renewal of identity cards in the prescribed form on or before the closing hours of 12th March 2018 have been made ready and the same have been despatched this morning by Registered Post to their respective addresses.

4. The writ petitioner applied prior to 12th March 2018. His Identity Card has been renewed and despatched. In the writ petition, the writ petitioner has also prayed that certificate of practice as per the Certificate and Place of Practice Verification Rules, 2015, also be issued. According to the petitioner, the applications for such Certificates as per the Rules have been pending for over two years.

5. The Counsel appearing on behalf of the respondent Bar Council submits that verification has been taking time. In some cases, verification has to be done from States other than the State of Tamil Nadu. May be some applications might take time for the reasons cited ie., the requirement to get a verification report from other States, may be far-flung States. However, in those cases, in which, verification is ascertainable, the Certificates shall be issued within four months from the date of application.

6. The learned counsel appearing on behalf of the Bar Council submits that in the event any voter, whose name is entered in the electoral roll does not receive the renewed identity card, the voter might be allowed to enter the polling booth and vote, if his/her identity is established on the basis of other genuine photo identity documents, such as Pan Card, Passport, current valid Driving Licence, etc., and also original certificate of enrollment, if available.

7. The writ petition is disposed of. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar To

1. The Secretary,
<https://hcservices.ecourts.gov.in/hcservices/>
Bar Council of Tamilnadu & Puducherry,
Madras High Court Campus, Chennai - 600 104.



2.The Returning Officers,
Bar Council of Tamilnadu & Puducherry,
Madras High Court Campus,
Chennai - 600 104.

+1CC TO M/S.NIRNJAN.S.KUMAR, ADVOCATE, SR NO.57715
+1CC TO M/S.R.MANICKAM, ADVOCATE, SR NO.57723

ORDER MADE IN
W.P.[MD].No.4834 of 2018
AND WMP Nos4844 to 4846 of 2018
23.03.2018

RR/GK

MS/SKN-RSK/SAR-1/26.03.2018/3P.5C