



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2018

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A(MD)No.1414 of 2014

and

M.P(MD)No.1 of 2014

S.Sankar

... Appellant/Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home (Courts-V) Department,
Secretariat,
Chennai.

2.The Secretary,
Trustee Committee of Advocates Welfare Fund,
The Bar Council of Tamil Nadu,
High Court Buildings,
Chennai - 600 114.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 22.09.2014 made in W.P(MD)No.1139 of 2014, on the file of this Court.

Prayer in WP(MD). 1139/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records passed by the second respondent in its proceedings dated 02.09.2013 in T.N.A.W.F No. 1491 of 2013 and quash the same in so far as the inclusion of the petitioner's name is concerned in the annexure list and consequently direct the second respondent to issue the advocates welfare bond to the petitioner within a stipulated time as fixed by this Honourable High Court .

For Appellant

: Ms.M.Padmavathy

For R - 1

: Mrs.J.Padmaavathi Devi,
Special Government Pleader.

: Mr.C.Susi Kumar
for Mr.M.Subash Babu



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JUDGMENT**(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)**

This writ appeal is directed as against the order, dated 22.09.2014 passed in W.P(MD)No.1139 of 2014.

2. The said Writ Petition was filed by the appellant/writ petitioner to issue a Writ of Certiorarified Mandamus, calling for the records passed by the second respondent, dated 02.09.2013, for inclusion of the appellant's name in the annexure list of the Tamil Nadu Advocates Welfare Fund and to direct the second respondent therein to issue Advocates Welfare Bond to the appellant/writ petitioner within a stipulated time, as fixed by this Court.

3. In view of the cut-off date/payment of the Advocates Welfare Fund, the learned Single Judge had passed an order stating as follows:-

"Therefore, there is a basis for fixing the cut-off date and since the appellant/writ petitioner qualified in the Bar Examination during December, 2012, after the cut-off date, he has to remit Rs.1,000/- towards admission to Rs.10,000/- towards life subscription and after giving credit to the amount already paid by the appellant/writ petitioner ie., Rs.2,700/-, the balance amount of Rs.8,300/- is payable by the appellant/writ petitioner".

4. Though the appellant/writ petitioner had challenged the said order, when the matter came up for hearing on 04.10.2018, after arguing for a while, it was stated by the learned counsel appearing for the appellant/writ petitioner that the appellant/writ petitioner would remit the balance amount of Rs.8,300/- towards life subscription to the Tamil Nadu Advocates Welfare Fund Trust Committee, Chennai and seeks time to comply with the same.

5. Today, when the matter is taken up for hearing, the learned counsel appearing for the appellant/writ petitioner had drawn a Demand Draft in Indian Bank, High Court Branch, Madurai bearing No.280072 dated 05.10.2018 for an amount of Rs.8,300/- in favour of the Trustee Committee, Tamil Nadu Advocates Welfare Fund, Chennai and the same had also been received by Mr.C.Susi Kumar, learned counsel appearing for the second respondent, representing for Mr.M.Subash Babu and the same is acknowledged, thereby the order passed by the learned Single Judge is complied with.

6. In view of the above, the second respondent is directed to issue the Advocates Welfare Bond to the appellant/writ petitioner



within a period of four weeks from the date of receipt of a copy of this order.

7. With the above observations, this Writ Appeal is closed. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

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/True Copy/

Sub Assistant Registrar(CS-IV)

To

1.The Secretary to Government,
Home (Courts-V) Department,
Secretariat,
Chennai.

2.The Secretary,
Trustee Committee of Advocates Welfare Fund,
The Bar Council of Tamil Nadu,
High Court Buildings,
Chennai - 600 114.

+1CC TO M/s.M.PADMAVATHY, ADVOCATE IN SR.NO.89728.

+1CC TO MR.M.SUBASH BABU, ADVOCATE IN SR.NO.90441.

PS

DS RP SAR-4 12.10.2018 3P/5C

W.A(MD)No.1414 of 2014

10.10.2018