



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.08.2018
CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.15833 of 2018
and
W.M.P.(MD).No.14168 of 2018

C.Adeline Jayachandrika ... Petitioner
Vs.

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

2.Sathankulam Bar Association,
Rep by its President,
Sathankulam, Thoothukudi District.

3.Sathankulam Bar Association,
Rep by its Secretary,
Sathankulam, Thoothukudi.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Declaration, declaring the resolution dated Nil passed by the 2nd respondent Bar Association in regard to unanimous appointment of officer bearers ie., respondents 2 and 3 and other office bearers as null and void and consequently, directing the respondents to conduct the election by appointing an unbiased persons as Election Officer and based on the voters list issued by the first respondent.

For Petitioner : Mr.G.Thalaimutharasu
For Mr.N.Muniraj
For R1 : Mr.Niranjana S.Kumar
For R2 & R3 : Mr.Saji Bino

O R D E R

[Order of the Court was made by M.M.SUNDRESH,J.]

The writ petition has been filed for issuance of a Writ of Declaration, declaring the resolution dated Nil, passed by the 2nd respondent Bar Association with regard to unanimous appointment of officer bearers ie., respondents 2 and 3 and other office bearers as null and void and consequently, direct the respondents to conduct the election by appointing an unbiased persons as Election Officers and based on the voters list issued by the first respondent.



2. Heard Mr.G.Thalaimutharasu, learned counsel appearing for the petitioner, Mr.Niranjan S.Kumar, learned counsel appearing for the first respondent and Mr.Saji Bino, learned counsel appearing for the second and third respondents.

3. This writ petition is filed challenging the election conducted by the respondents in the month of June, 2018. Thus, this Court cannot go into the inter se dispute between the members of the Bar Association.

4. It is submitted by the learned counsel appearing for the second and third respondents that the petitioner in W.P.(MD). No.15834 of 2018, has been removed as early as on 04.04.2017. However, the said fact has been disputed by the petitioner. In any event, we are not willing to settle the issue.

5. The relief sought for in this writ petition cannot be granted by this Court. As observed earlier, it is an inter se dispute between the Members of the Bar Association. If the petitioner's group is of the view that they have sufficient members, they can approach the first respondent seeking recognition under the Advocate Welfare Association. As and when the petitioner's group approaches the first respondent, the same will have to be considered by the first respondent to satisfy either the petitioner's group confirms majority or the sufficient strength to grant recognition.

6. Considering the nature of dispute between two groups, we deem it fit to direct if the Election for the next year to be held by the first respondent, the first respondent shall either do by himself or form a sub-Committee for the aforesaid purpose.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

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

2. The President,
Sathankulam Bar Association,
Sathankulam, Thoothukudi District.



3.The Secretary,
Sathankulam Bar Association,
Sathankulam, Thoothukudi.

+1cc to M/S.N.Muniraj, Advocate SR.No. 78475

+1cc to M/S.J.Ashok, Advocate SR.No. 78459

W.P. (MD) No.15833 of 2018
13.08.2018

ns

JM/SKN RSK/SAR 4/31.08.2018/3P/6C