



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU
W.P.[MD]No.21209 of 2018

The Combined Court Advocate Association Eraniel,
Represented by its Secretary,
Mr.G.S.Ramesh,
(Regn No.82/2016),
Pavithra Complex, Nagercoil Road,
Eraniel, Neyyoor & P.O, Pin - 629 802.
Kanyakumari District. : Petitioner

Vs.

1.The Bar Council of Tamil Nadu and Pudhucherry,
Represented by its Secretary,
High Court Campus, Chennai - 104.

2.The Eraniel Bar Association,
(Regn No.88/1991),
Represented by its Secretary,
Combined Court buildings,
2nd Floor, Neyyor Post,
Kanyakumari District - 629 802.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the first respondent to grant recognition to the petitioner's Association based on the application dated 20.07.2016 submitted to the First Respondent as per Tamil Nadu Advocates Welfare Fund Act, 1987.

For Petitioner : Mr.T.Arul

For Respondent No.1 : Mr.Niranjana S.Kumar

For Respondent No.2 : Mr.Ananth C.Rajesh

O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

The petitioner, after forming a society and registering it under the Societies Registration Act, 1860, filed an application before the Bar Council of Tamil Nadu and Pudhucherry, for recognition under the Tamil Nadu Advocates Welfare Fund Act, 1987. The application was submitted on 20 July, 2016. Since follow-up action was not taken by the first respondent, the petitioner has come up with this writ petition.

2.The learned Counsel for the petitioner contended that the petitioner constituted the Association in question with the Advocates practising before the various Courts in the District of



Kanyakumari. Eventhough there is a statutory provision under the Tamil Nadu Advocates Welfare Fund Act, 1987, action was not taken by the Bar Council of Tamil Nadu for Recognition.

3. According to the learned Counsel for the petitioner, there was a mediation pursuant to the direction issued by this Court. However, it was a total failure, as the second respondent was not prepared to recognise the petitioner as an Association of Advocates.

4. The learned Counsel for the first respondent submitted that the application submitted by the petitioner would be considered in accordance with the statutory provisions.

5. The learned Counsel for the second respondent on the other hand submitted that the members who constituted the petitioner Association were terminated from the membership, on account of the various acts of misappropriation. According to the learned Counsel, in case Associations are constituted like this, it would not be possible to centralise the work relating to the Advocates Association in the mofussil Bars.

6. The petitioner constituted an Association and made an application before the Bar Council of Tamil Nadu and Pudhucherry to recognise it under Section 13 of the Tamil Nadu Advocates Welfare Fund Act, 1987. It is for the Bar Council of Tamil Nadu to consider the said application in the light of the statutory provisions.

7. The fact that the petitioner has made an application is not in dispute. Similarly, there is no dispute with regard to the statutory power given to the Bar Council of Tamil Nadu to entertain the application and pass appropriate orders. We are, therefore, of the view that the application submitted by the petitioner should be considered in accordance with law.

8. There shall be a direction to the first respondent to consider and dispose of the application submitted by the petitioner for recognition under the provisions of the Tamil Nadu Advocates Welfare Fund Act, 1987. Such exercise shall be completed within a period of three [3] months from the date of receipt of a copy of this order.

9. The Writ Petition is disposed of, with the above direction. No costs.

Sd/

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar (CS-I)

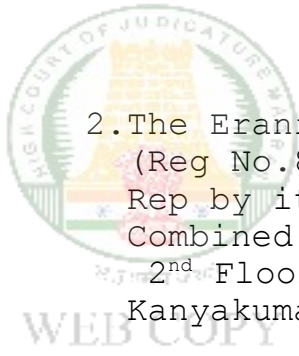
TO

1. The Bar Council of Tamil Nadu and Pudhucherry,

Rep by its Secretary,

<https://hcservices.ecourts.gov.in/hcservices/>
High Court Campus,

Chennai 104.



2.The Eraniel Bar Association,
(Reg No.88 of 1991)
Rep by its Secretary,
Combined Court Buildings,
2nd Floor, Neyyor Post,
Kanyakumari District-629 802.

+1cc to Mr.ANANTH C.RAJESH, Advocate, SR.No.94879
+1cc to Mr.T.Arul, Advocate, SR.No. 84855

Order made in
W.P.[MD]No.21209 of 2018
Dated: 12.11.2018

MR/MJ
KK/RSK/SAR-1/12.12.2018/3P-5C