

W.M.P. No. 19682 of 2019

in

W.P. No. 13389 of 2015

N. KIRUBAKARAN,J.

AND

R. PONGIAPPAN,J.

(Order of the Court was made by N. KIRUBAKARAN,J.)

This matter is heard through 'video conferencing'.

2. The main writ petition in W.P. No. 13389 of 2015 has been filed by respondents 1 to 6 herein for different reliefs with regard to the conduct of elections to various Advocate Associations located in the High Court campus and for other reliefs.

3. In the above said writ petition, W.M.P. No. 19682 of 2019 has been taken out by Women Lawyers' Association seeking a direction to the 16th respondent to conduct election to the petitioner association as per the amended bye-laws dated 12.09.2013 for the period 2019-2021.

4. Heard Mr.V.Raghavachari, learned counsel appearing for the petitioner, Ms.D.Prasanna, Ms. Louisal Ramesh, Ms. T. Ramadevi and other

newly impleaded respondents. Ms.B.S.Ajeetha and Ms.S.Shanthakumari, learned counsel have also advanced their arguments.

5. The only question to be decided is as to whether the election to the petitioner association has to be conducted as per the old bye-laws or the new bye-laws.

6. Both the parties agree with regard to all the points in the new bye-laws except subscription. As per the old bye-laws, the subscription to be paid by each member was Rs.50/- per year whereas as per the new bye-laws, Rs.50/- per month has to be paid as subscription by every member. Ms. D. Prasanna would stress the point that many junior lawyers are finding it difficult to pay the amount.

7. However, Mr.V. Raghavachari, learned counsel for the petitioner would submit that cost of living has gone up and earning power has also gone up and in the changed circumstance, subscription has to be increased as per the new bye-laws.

8. With regard to the conduct of election, all the parties agree that the election has to be conducted as per the new bye-laws.

9. Taking into consideration that election has to be conducted at the earliest, as the period of elected body ended in December, 2018, it is appropriate to request Dr.A.E.Chellaiah, the 16th respondent herein and his team, who have been appointed previously by the Division Bench of this Court and who have the experience of conducting subsequent two elections not only for the Women Lawyers' Association, but also for the most problematic Madras High Court Advocates' Association successfully, to conduct the election for the petitioner association as per law.

10. As far as subscription is concerned, as rightly submitted by Mr.V. Raghavachari, nowadays, fifty rupees is no money and if the members want to have the benefits, definitely, they have to pay the said amount. We understand and appreciate the position of junior advocates, but still, this Court feels that Rs.50/- is not a huge amount and they can always pay the said amount. If it is not possible, seniors are requested to help the juniors.

11. With regard to coming into force of the new bye-laws, it has been noted in the earlier Division Bench judgment that it had come into force during 2013-2014 and there was a counter argument and it was clarified by the subsequent judgment. However, this Court is not going into the said issue. As

all the parties have agreed for conducting the election as per the new bye-laws, excepting the subscription issue and this Court has also held that subscription of Rs.50/- per month is not a very big amount and as per the new bye-laws, the amount has to be paid, from this election onwards, the new bye-laws have come into force and all the clauses of the new bye-laws are binding on all the parties. The members, while paying subscription, are advised not to pay in bulk, but by way of Demand Draft or cheque.

12. Dr. A.E.Chellaiah, the 16th respondent would submit that he has already been entrusted with the responsibility of conducting the election and the schedule for the election to Madras High Court Advocates' Association has been fixed in such a manner that the election will be conducted and results will be declared before 01.09.2019 so that the office bearers could take charge on 01.09.2019 and for Women Lawyers' Association, the schedule has been fixed in such a way that the office bearers could take charge on 01.10.2019.

13. As far as renewal of approval before the authorities concerned under the Tamil Nadu Societies Registration Act, 1975 in respect of the petitioner association is concerned, the same has to be done by the office bearers within three months from the date of taking over charge, i.e, on or before 31st December, 2019.

14. It is needless to state that the principle of one bar one vote and possession of certificate of practice as a condition to be a voter, as held by the Division Bench have to be followed.

15. Post the matter for reporting compliance on **2nd January, 2020** for filing a report by the newly elected office bearers of the petitioner association that they have got approval from the Registrar of Societies and they have got approval of the new bye-laws as well.

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(N.K.K.J.) (R.P.A.J.)
17.07.2019



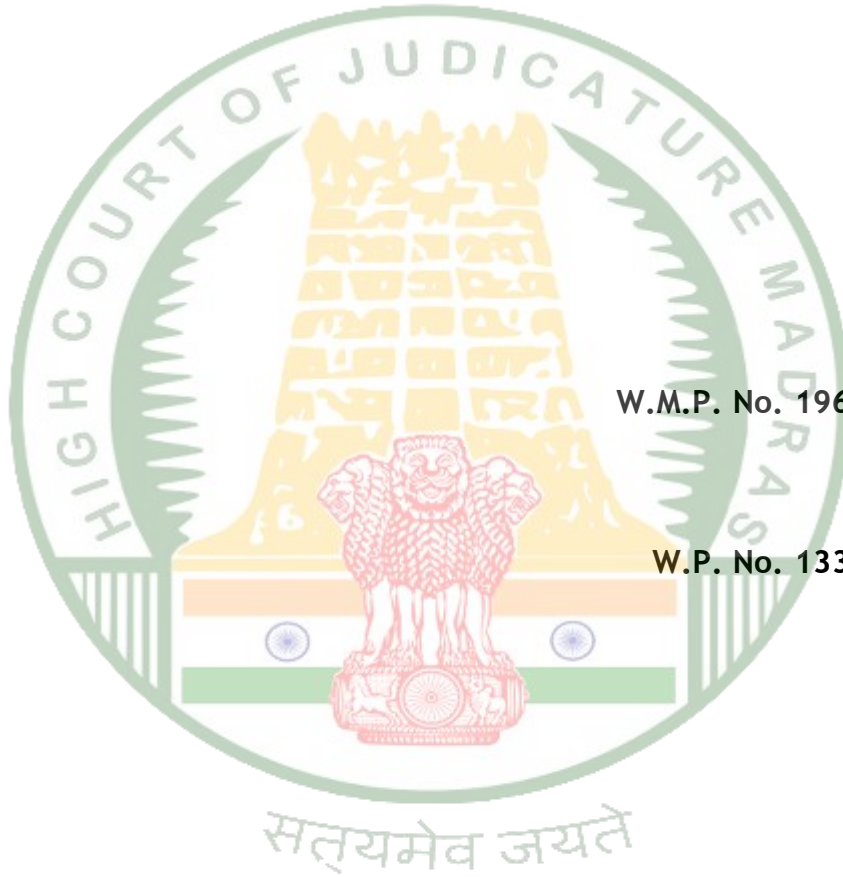
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