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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2019

CORAM

THE HONOURABLE MR.JUSTICE **N.KIRUBAKARAN**
and
THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD)No.5680 of 2019
and
W.M.P.(MD)No.4480 of 2019

A.Senthilkumar

... Petitioner

Vs.

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

2.The District Registrar (Administration),
Combined Registrar Office,
Tamil University Post,
Thanjavur.

3.Thanjavur Bar Association,
represented by its Secretary,
District Court Campus,
Thanjavur.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the first respondent to form a Committee to inspect the instruments relating to the registration and subscription etc., with regard to the 3rd respondent Bar Association and take appropriate action based on the petitioner's representation, dated 12.02.2019 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.N.Muniraj
For R1 :Mrs.J.Ananthavalli
For R2 :No Appearance
For R3 :Mr.G.Sankaran

ORDER

[Order of the Court made by S.S.SUNDAR, J.]

<https://hcservices.ecourts.gov.in/hcservices/>

This writ petition is filed to direct the first respondent to



form a Committee to inspect the instruments relating to the registration and subscription etc., with regard to the 3rd respondent Bar Association and take appropriate action based on the petitioner's representation, dated 12.02.2019. In the representation to the first respondent, the petitioner complained that the particulars of the third respondent with regard to the registration, number of members, bye-laws, deposits in Bank, income and expenditure etc., were not furnished to him and that the proposed election should be stopped till such time, it is ensured that the election will be conducted in a fair and transparent manner.

2.The petitioner is one of the practicing Advocates associated with the Thanjavur Bar Association and the said Bar Association is 150 years old. It is stated that for the reasons best known to it, the said association was not registered as per the provisions of Tamil Nadu Advocates' Welfare Fund Act, 1987. It is stated by the petitioner that there are more than 1000 members in the third respondent and that the election is proposed with the voters list of about 600 members. The object of this writ petition appears to be to stall the election.

3.The Association has been registered with Bar Council of Tamil Nadu and Puduchery as per Rule 3(3) and Section 13 of Tamil Nadu Advocates' Welfare Fund Act, 1987, as early as on 05.08.1991, which is evident from the Certificate of Registration produced before this Court.

4.With regard to the dispute raised by the petitioner regarding the eligibility of members, it is submitted by the learned Counsel for the third respondent that membership list that was followed in the previous election is not in dispute and about 672 eligible voters have reported for the previous election and with the updating list, election will be conducted. Further, the dispute raised by the petitioner is not sustainable before this Court under Article 226 of the Constitution of India. The petitioner is practicing as an Advocate only from 2003 onwards. Even in the election conducted in 2018, the petitioner is stated to have participated and secured 6 votes for the post of Secretary. If he has any grievance about the voters list, he must approach the Civil Court. Hence, there is no merit in this writ petition.

5.In view of the above, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (AD II)

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To
The District Registrar (Administration),
Combined Registrar Office,
Tamil University Post,
Thanjavur.

+1 CC to M/s.F.DEEPAK, Advocate (SR-61155[F] dated 16/04/2019)

+1 CC to M/s.J.ANANDHAVALLI, Advocate (SR-61180[F] dated 16/04/2019)

+1 CC to M/s.SPL GP (SR-61275[F] dated 16/04/2019)

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15.04.2019

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