



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.7978 of 2021
and
WMP (MD) .Nos.6094 to 6096 of 2021

E.Subbu Muthuramalingam

.. Petitioner

Vs

1. The Bar Council of India,
Rep. by its Secretary,
No.21, Rouse Avenue,
Institutional Area,
Near Bal Bhawan,
New Delhi - 110 002.

2. The Bar Council of Tamil Nadu and
Puducherry,
Rep. by its Secretary,
No.19, NSC Bose Road,
High Court Campus,
George Town, Chennai - 600 104.

3. Tuticorin Bar Association, (Regd.No.118/2012)
Rep. by its Adhoc Committee Chairman,
Mr.A.W.D.Tilak,
Combined Court Buildings,
Tuticorin - 628 003.
Thoothukudi District

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorarified Mandamus, call for the records pertaining to the proceedings of the 2nd respondent in ROC No.738 of 2021 dated 10.04.2021 and quash the same and consequently, direct the respondents 1 and 2 to publish the list of Non-practicing advocates as mandated under Rule 4(j) and Rule 13 and Rule 20 of The Certificate and Place of Practice (Verification) Rules, 2015 before conducting elections to the Tuticorin Bar Association.



For Petitioner

: Mr.L.Shaji Chellan

For respondents

: Mr.C.K.Chandrasekar,
Standing Counsel for R2
M/s.Mahalakshmi,
for Bar Council of India/R1

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ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

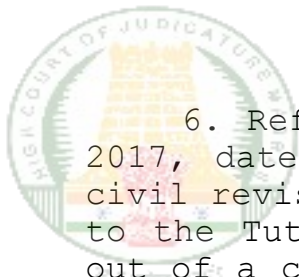
We have elaborately heard Mr.Shaji Chellan, learned Counsel appearing for the writ petitioner and Mr.C.K.Chandrasekar, learned Standing Counsel appearing for the second respondent and Mrs.Mahalakshmi, learned Standing Counsel appearing for the first respondent.

2. This writ petition filed by an Advocate seeks for two reliefs, one is to quash the notice issued by the Bar Council of Tamil Nadu and Puducherry, dated 10.04.2021, calling for election to Tuticorin Bar Association. The second limb of the prayer sought for in the writ petition is to publish the list of Non-practising Advocates in Tuticorin Bar Association. In our considered view, both the prayers cannot be clubbed together as both the reliefs sought for are independent of each other and therefore, such a writ petition with two prayers which are distinct from each other, cannot be entertained.

3. Secondly, with regard to the prayer sought for to quash the notification issued by the Bar Council of Tamil Nadu and Puducherry, dated 10.04.2021, the same cannot be entertained, because, the said notification is pursuant to a direction issued by the Hon'ble First Bench of this Court in W.P(MD).No.4547 of 2021, dated 04.03.2021.

4. It is the submission of Mr.Shaji Chellan, learned Counsel appearing for the petitioner that the Hon'ble First Bench of this Court in the said order, dated 04.03.2021, only permitted the Bar Council to conduct the election in accordance with law, upon issuing appropriate notices in such regard and the word 'permitted' has been misinterpreted by the Bar Council of Tamil Nadu and Puducherry.

5. In our view, we cannot entertain such an argument which amounts to interpretation of an order passed by the Hon'ble First Bench which remains intact as on date. It is submitted by the learned Counsel that the review application has been filed to review the said order and judgment. If that is so, it is for the review petitioner to work out his remedies in the manner known to law.



6. Reference was made to the order passed in CRP(MD).No.860 of 2017, dated 19.04.2017, to support the submission that in the said civil revision petition, there is a stay for conducting the election to the Tuticorin Bar Association. The said revision petition arose out of a civil litigation between two Advocates, who are plaintiffs and Tuticorin Bar Association represented by its then Secretary. Much water has flown under the bridge and an Adhoc Committee has been appointed and there were several litigations and several cases were filed before this Court and in our considered view, less said the better. Therefore, we cannot entertain this writ petition for the reliefs sought for.

7. Accordingly, this writ petition stands dismissed. However, if the petitioner has chosen to avail other remedies, any observation made in this order will not prejudice the petitioner in those proceedings. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (W)

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/ /2021

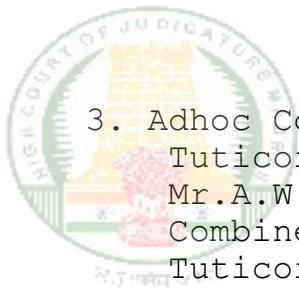
Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. Secretary,
The Bar Council of India,
No.21, Rouse Avenue,
Institutional Area,
Near Bal Bhawan,
New Delhi - 110 002.
2. Secretary,
The Bar Council of Tamil Nadu and
Puducherry,
No.19, NSC Bose Road,
High Court Campus,
George Town, Chennai - 600 104.



3. Adhoc Committee Chairman,
Tuticorin Bar Association, (Regd.No.118/2012)
Mr.A.W.D.Tilak,
Combined Court Buildings,
Tuticorin - 628 003.

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