



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.8019 of 2021

and

W.M.P.[MD]No.6118 of 2021

G.Prabakaran

... Petitioner

Vs.

1.The Secretary

The Bar Council of Tamil Nadu and Puducherry
High Court Buildings,
Chennai - 600 104.

2.V.Chandra Sekaran

Advocate (Ms.No.354/1976)
Election Officer for 2021-2022
Sivakasi Bar Association,
No.183, Nadar Middle Street,
Thiruthangal, Sivakasi Taluk,
Virudhunagar District.

3.D.Dhana Chandra Prakash

Advocate (Ms.No.7/89)
Election Officer for 2021-2022
Union Office Road,
Satchiyapuram
Sivakasi West,
Virudhunagar District.

4.P.R.Marichamy

Advocate (Ms.No.359/1998)
Election Officer for 20221-2022
No.46/7, Gandhi Road
Jehovah Nishi Complex, Sivakasi
Virudhunagar District.

5.S.Anantha Kumar

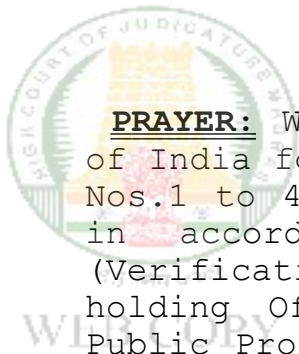
Advocate (Ms.No.1450/1999),
Additional Public Prosecutor and
Pleader doing Government Works,
Combined Court Buildings,
Sivakasi.

6.The District Collector

Virudhunagar District,
Collectorate Complex

Virudhunagar.

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent Nos.1 to 4 to conduct elections for Sivakasi Bar Associations only in accordance with the Certificate and Place of Practice (Verification) Rules 2015, and also prohibiting the Advocates holding Office of Public Prosecutors of a District, Additional Public Prosecutors and Assistant Public Prosecutors from contesting Sivakasi Bar Association elections.

For Petitioner : Mr.J.Jeyakumaran
For 1st Respondent : Mr.V.Kannan,
Standing Counsel
For 6th Respondent : Mr.K.P.Krishnadoss,
Special Government Pleader
R2 to R5 : Dispense with vide
Order dated 19.04.2021

O R D E R

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

This writ petition has been filed by a member of the Sivakasi Bar Association seeking for issuance of a Writ of Mandamus to direct the respondents 1 to 4 to conduct elections for the said Bar Association only in accordance with the Certificate and Place of Practise (Verification) Rules 2015 and also prohibit the Advocates holding Office of the Public Prosecutor, Additional Public Prosecutor and Assistant Public Prosecutor from contesting the election.

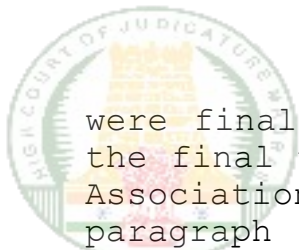
2.We have heard Mr.J.Jeyakumaran, learned Counsel appearing for the petitioner, Mr.V.Kannan, learned Counsel appearing for the first respondent / Bar Council of Tamil Nadu and Puducherry and Mr.K.P.Krishnadoss, learned Special Government Pleader appearing for the sixth respondent.

3.In the light of the orders we propose to pass in this Writ Petition, notice to the respondents 2 to 5 is dispensed with.

4.At the outset, we need to point out that two reliefs have been sought for by the Writ Petitioner in a Writ Petition, which cannot be clubbed together. The first limb of the prayer is to conduct election and the second limb of the prayer is to prohibit the Advocates holding the Office of the Public Prosecutor, Additional Public Prosecutor and Assistant Public Prosecutor, from contesting the election.

5.The second limb of the prayer is in no way connected with the first limb of the prayer, especially, when the list of voters

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



were finalised by the Bar Council of Tamil Nadu and Puducherry and the final voters list consisting of 158 members of the Sivakasi Bar Association, has been published as admitted by the petitioner in paragraph No.10 of the affidavit filed in support of the Writ Petition. Therefore, if according to the petitioner, certain persons are not eligible to voter in the election, the forum is elsewhere and not before this Court. So far as the first limb of the prayer is concerned, as pointed out by the learned Standing Counsel for the Bar Council, elections have already been conducted and certain reports have been filed before the Bar Council by the Election Officer.

6.The learned counsel for the petitioner would state that the second respondent, who is the Election Officer has declared (*) **The 5th Respondent** as the elected President of the Bar Association. It is not clear as to how such declaration could be made. In any event, since we are disposing of the Writ Petition at this stage, we are not expressing any opinion. Therefore, we direct the petitioner to give a representation to the Bar Council of Tamil Nadu and Puducherry within two days from today and if the same is received, the Bar Council shall consider the representation of the petitioner and take appropriate action in accordance with law at the earliest, preferably, within a period of seven days from the date of receipt of the representation.

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

Sd/-

Assistant Registrar(Records)

(*)Amended as per order dated 26/01/2021

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RM

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

(*)To Be Substituted the order already despatched on 20/04/2021

1.The Secretary

The Bar Council of Tamil Nadu and Puducherry

High Court Buildings,

Chennai - 600 104.

2.The District Collector

Virudhunagar District,

Collectorate Complex

Virudhunagar.

+1 CC to M/s.J.JEYAKUMARAN, Advocate (SR-16626[F] dated 20/04/2021)

+1 CC to M/s.SPL GP (SR-16728[F] dated 20/04/2021)

W.P.[MD]No.8019 of 2021

19.04.2021

mj (CO)

TR(20.04.2021) 4P 5C

KB(29.04.2021) 4P 5C