



WEB COPY

W.P(MD)No.8165 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No. 8165 of 2022

and WMP(MD) Nos.6086 & 6087 of 2022

N.Maniraj

.. Petitioner

Vs

1.Bar Council of Tamil Nadu & Puducherry,
Madras High Court-Gate No.4,
NSC Bose Road, George Town,
Chennai-600 104.

2.Karur Bar Association,
No.9, 103-1/9, SH74,
Ammaiyappa Nagar, Kaliyappanoor,
Karur.

3.N.Prakash (Election Officer)

4.K.P.Rajendran (Election Officer)

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the election notification dated 04.04.2022 and quash the same as illegal, improper and mala-fide and direct the second respondent to nominate new election officers and issue a fresh notification in a proper manner and conduct a fresh election by providing an opportunity to all the willing advocate candidates to contest the election.

For Petitioner : Mr.K.Govindarajan
for Mr.A.Murali Kumar

For R-1 : Mr.Niranjana S.Kumar

ORDER

[Made by PARESH UPADHYAY, J.]

Challenge in this writ petition is made to the election notification dated 04 April 2022.

2. The petitioner has prayed for the following relief:-

"Writ of Certiorarified Mandamus, calling for the election notification dated 04.04.2022 and quash



the same as illegal, improper and mala-fide and direct the second respondent to nominate new election officers and issue a fresh notification in a proper manner and conduct a fresh election by providing an opportunity to all the willing advocate candidates to contest the election."

WEB COPY

3.1 The learned advocate for the petitioner, while arguing this petition has drawn the attention of this Court to W.P.(MD) No.8170 of 2022 which has been considered separately.

3.2 It is submitted that, the schedule of election is as under:-

S.No	Date	Description
1.	11.04.2022	Last date for payment of subscription fee for the period upto 31.03.2022.
2.	11.04.2022	Eligible voters list to be affixed on the notice board.
3.	11.04.2022	Nomination form to be obtained by candidates between 10.30 AM and 05.00 PM.
4.	11.04.2022 & 12.04.2022	Dates for submission of Nomination Forms.
5.	13.04.2022	Scrutinization of nomination forms and eligible nomination to be affixed on the notice board by 4.00 PM.
6.	14.04.2022	Date for withdrawal of nominations and final list of candidates to be affixed on the notice board by 5.45 PM.
7.	28.04.2022	Polling date and counting at 05.30 PM & declaration of results.

3.3 He has also read with the relevant bye-laws of the second respondent Association to contend that, the election in question is against the regulations and is tainted with all illegalities. It is vehemently contended that, the petitioner is aged about 75 years and his standing at the Bar is not less than 50 years and therefore, he can not be said to be not concerned with the election. It is submitted that the relief as prayed for be granted.

4. Having heard learned advocate for the petitioner and having considered the material on record this Court finds as under.

4.1 From the averments, it does not transpire that, the petitioner, in any way has attempted to participate in the election in question. This being so, the petitioner can not be said to have any locus to challenge the process.



4.2 Since it is contended that, the petitioner is aged about 75 years and his standing at the Bar is not less than 50 years, therefore we have tried to examine the petition from the view point of even public interest litigation and we find that, whether the respondent No.2 association can be said to be State within the meaning of Article 12 of Constitution of India itself is a question. Further the fact that, the election is scheduled on 28 April 2022 and some of the persons might have been declared uncontested, as contended in W.P.(MD) No.8170 of 2022, we do not think it appropriate or proper to entertain this petition at the hands of this writ petitioner.

5. This writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions would not survive.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

Bar Council of Tamil Nadu & Puducherry,
Madras High Court-Gate No.4,
NSC Bose Road, George Town,
Chennai-600 104.

W.P (MD)No.8165 of 2022
26.04.2022

SP(CO)
KB(10.05.2022) 3P 2C