



W.P(MD)No.15090 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2022

CORAM

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.15090 of 2022
W.M.P(MD).No.10794 of 2022**

P.Ganapathi

... Petitioner

Vs.

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

2.The Election Officer,
Srivilliputhur Bar Association,
Srivilliputhur Combined Courts Campus,
Srivilliputhur,
Virudhunagar District-626 135.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to re-call the election notification scheduled to be conducted on 20.07.2022 and call for election afresh for the Srivilliputhur Bar Association and to receive nomination afresh after finalization of the voters list of the Association by the second respondent and concurrence by the first respondent.



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For Petitioner : Mr.B.Rooban
For Respondents : Mr.K.R.Laxman for R1
Standing Counsel for Bar Council
Mr.K.P.Narayanakumar for R2

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

Heard Mr.B.Rooban, learned counsel appearing for the petitioner, Mr.K.R.Laxman, learned Standing Counsel appearing for the first respondent and Mr.K.P.Narayanakumar, learned counsel appearing for the second respondent.

2. This Writ Petition has been filed for issuance of a writ of Mandamus, to direct the second respondent to re-call the election notification scheduled to be conducted on 20.07.2022, call for election afresh for Srivilliputhur Bar Association and to receive nomination afresh after finalization of the Voters list of the Association by the second respondent and concurrence by the first respondent.

3. The grievance of the petitioner is that the petitioner has filed his nomination to contest the election. His nomination was proposed by the members of the Bar Association. Since a person, who proposed the



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nomination of the petitioner, has now given declaration that he will confine his membership to Rajapalayam Bar Association, the first respondent Association may not consider his candidature.

4. The learned Standing Counsel appearing for the first respondent submitted that the person, who proposed the nomination of the petitioner by name, Ramar, is included in the second list of 94 members and therefore, the grievance of the petitioner has no substance.

5. It is made clear by the learned counsel appearing for the first respondent that the petitioner will be permitted to participate in the election as a contestant and his candidature to contest the election will not be rejected by the first respondent on the ground that the person, who proposed the nomination of the petitioner, is not the member of the first respondent Association.

6. The learned counsel appearing for the petitioner submitted that the Bar Council has cleared the list of 314 members, out of which, 312 members are eligible and two persons, who were found in serial Nos.183 and 257 of the list, are the elected office bearers of the other Associations.



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7. It is contended for by the learned Standing Counsel for the first respondent that the election will be conducted with 312 candidates from the first list and as regards the second list, out of 94 members, 93 members are eligible as the declaration form submitted by one P.Munniyandi was returned and it was not re-submitted.

8. Therefore, this Court resolves that the election scheduled to be held on 20.07.2022 or any other date shall go on with 312 members as per the first list and 93 members as per the second list. From the additional list, one candidate, by name, C.Munneswaran, is also eligible to vote. Accordingly, the Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [S.S.Y., J.]
20.07.2022

Index : Yes/No
Internet : Yes
ssb

Note: Issue Order Copy on **22.07.2022**



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To

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S.S.SUNDAR, J.
AND
S.SRIMATHY, J.

ssb

ORDER MADE IN
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20.07.2022