



W.P.(MD)Nos.23495 and 23914 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**
and
THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)Nos.23495 and 23914 of 2022
and W.M.P.(MD) No.17981 of 2022 in W.P.(MD) No.23914 of 2022
and W.M.P.(MD) No.18530 of 2022 in W.P.(MD) No.23495 of 2022

WP(MD) No.23495 of 2022:

R.Thamil Kumaren

... Petitioner

Vs.

1.The Secretary,
Bar Council of Tamil Nadu and Pondicherry,
High Court Campus,
Chennai – 600 014.

2.The Election Officer,
Devakottai Bar Association,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to conduct the election to the members of Devakottai Bar Association in a fair and peaceful manner by following the rules and regulations as per the bylaw of Devakottai Bar Association for the year of 2022-2023 by the way of appointing a retired Judge of the District Court right from the preparation of electoral rolls up to the announcing of successful candidates.



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For Petitioner

: Mr.Rathinam
for M/s.R.Venkatesan

For 1st Respondent

: Mr.Niranjana S.Kumar
Standing Counsel

For 2nd Respondent

: Mrs.AL.Gandhimathi

WP(MD) No.23914 of 2022:

1.A.Ganesan

2.V.Rajamanickam

3.A.R.Palaniappan

4.B.Asaithambi

5.M.Periasamy

6.V.Asokan

7.V.Karthikeyan

8.S.Balasubramanian

... Petitioner

Vs.

1.The Bar Council of Tamilnadu and Puducherry,
Rep. by its Secretary,
High Court Campus,
Chennai - 600 104.

2.The District Registrar (Societies),
Registration Department,
Karaikudi - 630 002,
Sivagangai District.

3.The Devakottai Bar Association,
Rep. by its Secretary,
Sub Court Buildings,



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Devakottai Extn - 630 303,
Sivagangai District.

4.The Election Officer,
Devakottai Bar Association,
Sub Court Buildings,
Devakottai Extn - 630 303,
Sivagangai District.

5.K.Premchandrar

6.A.Andavar

7.S.Sornaprakash

8.T.Muthukumar

9.M.Ramanathan

10.M.Baskaran

11.R.Rajapandian

12.V.Boobalasingam

13.V.Sundar

14.R.Lakshmanan

15.N.Shankar

16.M.Natarajan

17.J.Murugesan

18.A.Manivannan

19.S.Karthikeyan

20.KR.Murugesan



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21.KR.Chandrabose

22.C.Lenin Bharathi

23.M.Sornalingam

24.B.Tamilmani

25.V.Kalyankumar

26.M.Ramya

27.R.Selvaraj

28.C.Ramesh Gandhi

29.CSC.Raja

30.R.Venkatraman

31.S.Selvaganapathi

32.S.Kumar

33.M.Muthu Natarajan

34.C.Ganesan

35.K.Periasamy

36.Murugan

37.C.Senthilkumar

38.T.Rajambal

39.C.Manikandan

40.N.Saranvan



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41.K.Mohan

42.P.Kannadasan

43.Gurumoorthy

44.KR.Thiruppathi

45.S.Saravanan

46.K.Karthiyayini

47.N.Jayahari Prasath

48.R.Dhanalakshmi

49.D.Abdul Raffiah

50.VM.Asaithambi

51.A.Sankaralingam

52.M.Suresh

53.K.Vairamuthu

54.AR.Chidambaram,

55.A.Mariajeyapal

56.V.Muthurasu Pandiyan

57.U.Ilayaraja

58.C.Rajalingam

59.S.Jeeva

60.N.Ramji

61.A.Sangeetha



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62.S.Palaniappan

63.M.Sudha

64.P.Kalimuthu

65.T.Renuga Devi

66.M.Karunanithi

67.S.Kamalakannan

68.S.Saravanan

69.C.Rajakumar

70.U.Nallathambi

71.AN.Muthuraman

72.K.Shanmugavelu

73.B.Thillainathan

74.G.Ramu

75.B.Siva.

76.P.Subramanian

77.M.Pasupath

78.P.Sakthivel

79.SP.Viswanathan

80.S.Rathika

81.R.Rajiv Gandhi



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82.S.Karthis

83.M.Malathi

84.G.Dhivya

85.N.Arul Jeyapriya

86.B.Ramanathan

87.V.Shankara Pandiyan

88.N.Sekar

89.RM.Kavitha

90.S.Krishnan

91.S.Meenakshi Sundaram

92.R.Jansi Rani

... Respondents

(R15 to R92 impleaded vide order of this Court dated 01.12.2022, made in W.M.P. (MD) No.21139 of 2022 in W.P.(MD) No. 23914 of 2022 by RMDJ & JSNPJ)

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Certiorarified Mandamus, calling for the impugned order of 5th respondent dated 11.10.2022, declaring the respondents 6 to 14 as Managing Committee of Devakottai Bar Association and quash the same as illegal and unconstitutional, consequently direct the respondents 1 to 3 to conduct the election of the Devakottai Bar Association bearing Registration No.21/2015 (old No.25/1989) by strictly following the Bye-Laws and Election Rules of Devakottai Bar Association, Sivagangai District and in



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accordance with law.

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For Petitioner : Mr.Rathinam
for M/s.R.Venkatesan

For 1st Respondent : Mr.Niranjana S.Kumar
Standing Counsel

For 2nd Respondent : Mr.G.V.Vairam Santhosh
Additional Government Pleader

For Respondents 3, 6 to 14: Mr.A.Sivasubramanian

For Respondents 4 & 5 : Mrs.AL.Gandhimathi

For Respondents 16 to 92 : Mr.G.Prabhu Rajadurai

* * *

COMMON ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

W.P.(MD) No.23495 of 2022 has been filed by the petitioner, seeking issuance of a Writ of Mandamus, directing the 1st respondent to conduct election to the Devakottai Bar Association in a fair and peaceful manner by following the rules and regulations as per the bylaw of Devakottai Bar Association for the year of 2022-2023 by way of appointing a retired Judge of the District Court right from the preparation of electoral rolls up to the announcing of successful candidates.



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2. W.P.(MD) No.23914 of 2022 has been filed by the petitioner challenging the order of 5th respondent dated 11.10.2022, declaring the respondents 6 to 14 as Managing Committee of Devakottai Bar Association and for a direction to the respondents 1 to 3 to conduct the election of the Devakottai Bar Association bearing Registration No.21/2015 (old No.25/1989) by strictly following the Bye-Laws and Election Rules of Devakottai Bar Association, Sivagangai District and in accordance with law.

2. Heard Mr.Rathinam, learned counsel for the petitioners in both the writ petitions, Mr.Niranjana S.Kumar, learned Standing Counsel for the 1st respondent in both the writ petitions, Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, appearing for the 2nd respondent in W.P.(MD) No.23914, Mrs.AL.Gandhimathi, learned counsel appearing for the 2nd respondent in W.P.(MD) No.23495 of 2012 and respondents 4 and 5 in W.P.(MD) No.23914 of 2022, Mr.A.Sivasubramanian, learned counsel for the respondents 3 and 6 to 14 in W.P.(MD) No.23914 of 2022 and Mr.G.Prabhu Rajadurai, learned counsel for the respondents 15 to 92 in W.P.(MD) No.23914 of 2022. By consent of both parties, the Writ Petition is taken up for final disposal.



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3. After arguing for sometime, learned counsel appearing for the petitioners and the private respondents agreed to approach the 1st respondent – Bar Council of Tamil Nadu and Pondicherry regarding conduct of election to Devakottai Bar Association and any other claims thereto.

4. Accordingly, these Writ Petitions are disposed of with a direction to the petitioners in these writ petitions to approach the 1st respondent in both the writ petitions with a detailed representation within a period of two weeks from the date of receipt of a copy of this order and if any such representation is made, the 1st respondent shall consider the same and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned and by following due process of law within a period of four weeks from the date of receipt of the representation. While passing the orders, the 1st respondent shall consider the orders passed by this Court in ***Review Application No.167 of 2021, dated 14.10.2021, in the matter of K.Sathyabal v. The Chairman & Members Election Committee, N.H.A.A, Chennai.*** No costs. Consequently,



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connected W.M.P.(MD) No.17981 of 2022 in W.P.(MD) No.23914 of 2022 and W.M.P.(MD) No.18530 of 2022 in W.P.(MD) No.23495 of 2022 are closed. No costs.

[R.M.D., J.] [J.S.N.P., J.]
01.12.2022

Internet : Yes / No
Index : Yes / No
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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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