



WEB COPY



W.P.No.8500 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.03.2023

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN
AND
THE HONOURABLE Mr.JUSTICE MOHAMMED SHAFFIQ

W.P.No.8500 of 2023

1.M/s.Poonamallee Bar Association,
(Criminal Courts) Regd.No.40/1991,
represented by its President,
E.Venkatesan, S/o.Egambaram,
Poonamallee Combined Courts Campus,
Poonamallee.

2.E.Venkatesan, S/o.Egambaram,
President:M/s.Poonamallee Bar Association,
(Criminal Courts) Regd.No.40/1991,
Poonamallee Combined Courts Campus,
Poonamallee.

.. Petitioners

Vs.

1.M/s.The Bar Council of Tamil Nadu
represented by its Secretary,
High Court Buildings, Chennai – 104.

2.Ad-hoc Committee, [M/s.Poonamallee Bar Association]
[Constituted by Bar Council of India]
represented by S.Davis Elangoven,
Indira Nagar, Poonamallee,
Chennai – 600 056.

.. Respondents



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Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF DECLARATION to declare the second respondent committee has become defunct and consequently declare the notice dated 28.12.2022 calling for the General Body Meeting on 06.01.2023 as null and void.

For Petitioners : Mr.T.Ramachandran
For Respondents : Mr.C.K.Chandrasekar

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

Seeking to issue a writ of declaration to declare the second respondent committee has become defunct and consequently declare the notice dated 28.12.2022 calling for the General Body Meeting on 06.01.2023 as null and void, the petitioners have filed the present writ petition.

2. It is the case of the petitioners that the first petitioner is an association registered with the first respondent functioning for the several decades for the welfare of the advocates and the governing body of the said association was validly elected through voice votes or by raising hands at the



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General Body Meeting. While being so, due to a protest in electing the governing body, the first respondent constituted an Ad-hoc committee consisting of five members, second respondent herein, to conduct fresh election on or before 30.04.2022. However, the Ad-hoc committee is not functioning, since one of his members has died and another member has resigned. While so, through notice dated 28.12.2023, the second respondent called for a General Body Meeting scheduled to be held on 06.01.2023, which according to the petitioners, is in disobedience of the guidelines issued by the first respondent. Therefore, this writ petition came to be filed for the aforesaid relief.

3. When the matter was taken up for consideration, the learned counsel for the petitioners submitted that it would suffice, if the petitioners are given liberty to approach the Bar Council of Tamil Nadu, first respondent herein, to raise all the grounds / objections with regard to the activities of the so called Adhoc committee, in the manner known to law, for which, the learned counsel appearing for the respondents has no serious objection.



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4. Granting such liberty to the petitioners, this writ petition stands disposed of. No costs.

[R.M.D., J.] [M.S.Q., J.]
20.03.2023

nsd

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation : Yes / No

To

The Secretary,
The Bar Council of Tamil Nadu
High Court Buildings, Chennai – 104.



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R.MAHADEVAN, J.
AND
MOHAMMED SHAFFIQ, J.

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