



W.P.(MD)No.6863 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.6863 of 2022

and

W.M.P.(MD)Nos.5275 to 5277, 5279 and 5280 of 2022

V.Ananthasegar

... Petitioner

Vs.

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

2.The Kuzhithurai Bar Association,
Rep.by its Election Officer,
Mr.J.Nelson, Kuzhithurai,
Kanniyakumari District - 629 163.

3.D.Suresh
4.N.Ramesh

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the



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impugned final voters list dated 18.03.2022 published by the 4th respondent on 28.03.2022 for the forthcoming election of office bearers to the Kuzhithurai Bar Association, quash the same as far as striking out of the petitioner's name in the serial number 78 is concerned and consequently direct the respondents to restore his membership in the Kuzhithurai Bar Association.

For Petitioner : Mr.L.Shaji Chellan
For R1 : Mr.K.R.Laxman
Standing Counsel

ORDER

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

The writ on hand had been instituted questioning the final voters list dated 18.03.2022 published by the fourth respondent on 28.03.2022 for the forthcoming election of office bearers to the Kuzhithurai Bar Association.

2.The cause arose since the name of the petitioner was deleted from the voters list. The petitioner states that he is a senior member of the Bar Association of Kuzhithurai and he was deprived of his right to vote in the forthcoming election.



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3.The learned counsel for the petitioner contended that the petitioner was removed from the membership list. The vindicative actions of the Bar Association, Kuzhithurai are to be dealt with in the present writ proceedings.

4.*Prima facie*, the present writ petition is not entertainable in view of the fact that the Association is a private body and not a State within the meaning of Section 12 of the Constitution of India or the other authority under Article 226 of the Constitution of India.

5.The internal dispute including election dispute are to be resolved by approaching the competent civil Court and such disputes require trial nature adjudication based on evidence and documents available on record. Such roving enquiry cannot be conducted in a writ proceedings by the High Court and it is beyond the scope of the judicial review. That being so, the petitioner is at liberty to approach the competent civil Court for the purpose of securing appropriate remedy.



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6.With the above observations, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (V.L.N., J.)
07.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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