



WP (MD)No.12184 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

WP(MD).No.12184 of 2023
and WMP(MD) Nos.10421 and 10422 of 2023

K.Venkatachalapathy

: Petitioner

Vs

1.The Secretary
Bar Council of Tamil Nadu
Office at the Bar Council of Tamil Nadu and Puducherry
High Court Complex,
Chennai.

2.The District Registrar,
Society Registration Act,
Office of District Registrar,
Tirunelveli

3.S.R.Rajeshwaran

4.Kamaraj

: Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the impugned circular dated 20.04.2023 issued by the 3rd



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and 4th respondents mentioning about the general body meeting alleged to be held on 06.04.2023 and quash the same as illegal and consequently directing the 1st respondent to form a committee to ascertain the membership and complete the election process to the Tirunelveli Bar Association within the time frame stipulated by this Court.

For Petitioner : Mr.N.Anantha Padmanaban
For Respondents : Mr.Niranjan S.Kumar for R1
Mr.C.Satheesh for R2
Government Advocate
No appearance for R3 & R4

ORDER

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

The petitioner herein is a member of the Tirunelveli Bar Association (hereinafter referred to as 'the Association'). The election to the executive body of the association was conducted on 28.04.2022 and the tenure of the office bearers ended on 27.04.2023. In connection with the next election, the Bar Association had conducted a general body meeting. In the resolution of the general body dated 06.04.2023, it was resolved to have the election conducted in the month of July, 2023. The resolution was circulated on 20.04.2023, which is put under challenge in the present writ petition.



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2. The petitioner challenges the resolution predominantly on the ground that the decision of the Bar Council of Tamil Nadu to permit a member of Tirunelveli Bar to have only one vote stands violated. Pending writ petition, the general body of the Association had passed another resolution on 03.07.2023 resolving to conduct the election on 28.07.2023.

3. The learned Senior counsel for the petitioner would submit that the list of eligible voters of the Bar has not been updated by the Bar Council and therefore, the election could not be conducted on the basis of outdated eligible voters list.

4. We had directed the Bar Council/1st respondent herein to verify and report on the statement made by the learned Senior counsel and file a status report today. Accordingly, a status report has been filed today, which reads as follows:

“REPORT SUBMITTED ON BEHALF OF THE BAR COUNCIL
OF TAMIL NADU AND PUDUCHERRY

1. It is humbly submitted that the Bar Council has received a letter through email from Tirunelveli Bar Association on 25.05.2023 to verify



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the voters list consisting of 1795 and the office has verified the same under the Bar Council of India Certificate and Place of Practice (Verification) Rules, 2015 and sent the verified voters list to the said association vide C.O.P/R.O.C. No.29/2023 dated 12.06.2023 as follows:

TIRUNELVELI BAR ASSOCIATION Reg. No.60/1991		
	TOTAL NUMBER OF ADVOCATES LIST RECEIVED FROM TIRUNELVELI BAR ASSOCIATION FOR VERIFICATION - 1795	
1	NUMBER OF ADVOCATES WHO HAVE SUBMITTED C.O.P. & DECLARATION GIVEN IN VOTING RIGHTS IN TIRUNELVELI BAR ASSOCIATION (Eligible Voters)	1311
2	VOTING RIGHT OPTED IN OTHER BAR ADVOCATES ASSOCIATION	164
3	C.O.P. & DECLARATION FORM NOT SUBMITTED LIST	276
4	ENROLMENT NUMBER CORRECTION	6
5	ADVOCATES WELFARE FUND NOT PAID	12
6	DIED	6
7	SUSPENSION VOLUNTARY SUSPENSION	18
8	OTHER DEFECTS	2
TOTAL		1795

2. It is submitted that during the hearing of the above writ petition, it was brought to the notice of the Bar Council that few more members were added in the voters list and thereafter our counsel sent another list to the Bar Council containing 1278 members. Upon receiving the list, the Bar Council has verified the same with the certificate of practice and declaration forms submitted by the Members. In the verified voters list,



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1274 members are eligible to vote except the following 4 members.

S.No.	Enrol. No.	ADVOCATE NAME	COP STATUS
1	210/2008	CHIDAMBARAM U	REMOVED FROM ROLLS. RES. NO.329 OF 2020 WEF 26.08.2022
2	192/1996	GOMEZ ANTONY.P	COP FORM NOT SUBMITTED
3	21/1991	KARUNAKARAN P	AWF NOT PAID. Paid upto 31.03.1993 (Notice sent)
4	756/1981	MANI R	AWF NOT PAID. Paid upto 31.03.2018 (Notice sent)

Apart from this, another 46 members in the first list are also opted voting right in the Tirunelveli Bar Association. So, the total eligible voters are 1320.

Hence, it is humbly prayed that this Hon'ble Court may be pleased to consider the above report and pass necessary orders.

Dated at Chennai on this 25th Day of July 2023.”

5. It is seen that the Bar Council had again verified the eligible voters and have stated that there are 1320 total eligible voters in the Tirunelveli Bar Association as on date. It is needless to point out that the process of verification of eligible voters requires to be done only by the Bar Council of Tamil Nadu and that the election that is to be conducted can be proceeded with only on the basis of this list.



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6. At this juncture, it is brought to the notice of this Court that the general body of the Association has appointed a retired District Judge to monitor the election process, which is to be conducted on 28.07.2023. It is hereby clarified that the scheduled election shall go on on the basis of the 1320 total eligible voters as reported by the Bar Council in its report dated 25.07.2023.

7. The writ petition stands ordered accordingly. No costs. Consequently connected Miscellaneous Petitions are closed.

[M.S.R.,J] [M.N.K.,J]
27.07.2023

Index : Yes / No
Internet : Yes
RR

To

1.The Secretary
Bar Council of Tamil Nadu
Office at the Bar Council of Tamil Nadu and Puducherry
High Court Complex, Chennai.

2.The District Registrar,
Society Registration Act,
Office of District Registrar, Tirunelveli

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