



W.P.(MD)No.20339 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2023

CORAM :

**THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

W.P.(MD)No.20339 of 2023
and
W.M.P.(MD)No.17628 of 2023

G.Kannan

... Petitioner

vs.

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

2.The Election Officer (2023-2024),
Criminal Courts Advocate Association,
Trichy.

3.The District Registrar,
Registration Department,
Trichy District,
Trichy.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Declaration, declaring the impugned Election (2023-2024) result notice of the Criminal Courts Advocates Association, Tiruchirappalli, dated 28.07.2023, by the second respondent as illegal and pass appropriate orders in accordance with law.



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For Petitioner : Mr.D.Senthil

For Respondent No.1 : Mr.K.R.Laxman
Standing Counsel

For Respondent No.2 : Mr.AN.Ramanathan

ORDER

**(Order of the Court was made by
The Hon'ble Chief Justice)**

Heard Mr.D.Senthil, learned counsel appearing for the petitioner and Mr.K.R.Laxman, learned standing counsel appearing for the first respondent and Mr.AN.Ramanathan, learned counsel appearing for the second respondent.

2. Learned counsel for the petitioner submits that large scale illegalities were committed in the election of the Criminal Courts Advocates Association, Trichy. The provision of one Member one Bar vote applies. Many members, who had voted in the other Associations, have again exercised their rights to vote in the present election also. Learned counsel submits that the same is illegal. Even the appointment of the Election Officer was not in accordance with the procedure. 728 Voters had cast their votes on the date of election *i.e.*, on 28.07.2023. One Bar one vote Rule is violated.



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3. The election is over. The learned counsel for the petitioner affirms that the petitioner has not contested the election. The present Writ Petition is filed only on the ground that the election was not free and fair and also not in accordance with the Rules of the Bar Council.

4. The matter would involve disputed questions of fact. Enquiry cannot be made into such disputed questions of facts in a Writ jurisdiction. It is submitted that the Criminal Courts Advocates Association is registered under the Societies Registration Act. The petitioner may invoke the provisions of the said Act to challenge the election, as may be permissible under law. The petitioner is not directly affected, as he has not contested the Election. No doubt, the voter can challenge the Election.

5. The matter would involve investigation with the disputed questions of fact and the same would not be permissible under the Writ jurisdiction of this Court. So also, if the election is challenged, elected Members of the Advocates Association also would be required to be arrayed as parties, but the same has not been done.



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6. In the light of all the aforesaid facts, the Writ Petition stands disposed of. The petitioner may avail the remedy as may be permissible under law. In that event, all the contentions are kept open. There will be no order as to costs. Consequently, W.M.P. (MD)No.17628 of 2023 is closed.

[S.V.G., CJ.]

[C.K., J.]

Index : Yes / No

29.08.2023

Neutral Citation : Yes / No
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To

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THE HON'BLE CHIEF JUSTICE
and
C.KUMARAPPAN, J.

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ORDER MADE IN
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