



W.P.No.252 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.P.No.252 of 2024
and
W.M.P.No.32873 of 2023

P.Magesh

... Petitioner

Vs.

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

2. The Secretary,
Thandampattu Bar Association,
DM Cum JM Court, BDO Office Complex,
Tiruvannamalai District.

3. J.Raja,
Ad-hoc Committee Member,
No. 24, Balakrishna Naidu Street,
Narayanakuppam,
Tiruvannamalai - 606708.

4. K.Nedunsezhiyan,
Ad-hoc Committee Member,
No. 59, Main Road,
Sathanur Post, Thandampattu Taluk,
Tiruvannamalai District.



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5. N.Pandurnagan

6. D.M.Kathiravan

7. R.C.Raja

8. K.Chandrasekar

9. R.Vasanthakumar

10. S.Sathishkumar

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Cirtiorarified Mandamus, calling for entire records connected with election result declared by the ad-hoc committee/4th respondent dated 22.12.2023 for the 2nd respondent's association and quash the same, consequently direct the 1st respondent to conduct the election to the 2nd respondent's association by following Bye Laws of the 2nd respondent's Association.

For Petitioner : Mr.L.G.Sohadevan for
Mr.E.Sathiyaraj

For Respondents : Mr.C.K.Chandrasekar (for R1);
: Mr.J.Shanavash Khan (for R3);
: Mrs.D.Geetha (for R4 to R10).



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ORDER

WEB COPY *(Order of the Court was delivered by S.M.Subramaniam J.)*

The writ petition has been instituted to call for the records connected with election result declared by the ad-hoc committee/4th respondent dated 22.12.2023 for the 2nd respondent's association and quash the same, consequently direct the 1st respondent to conduct the election to the 2nd respondent's association by following Bye Laws of the 2nd respondent's Association.

2. The learned counsel, appearing for the Bar counsel of Tamil Nadu, would submit that the process of election was concluded and the election results were notified.

3. The learned counsel for the petitioner would submit that the procedures as contemplated were not followed and many irregularities are identifiable in the process of election. Thus, the election is to be declared as invalid.

4. Such a relief cannot be granted in a writ proceedings with reference



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to the disputed facts. The parties have to adjudicate the issues based on documents and evidences in the manner contemplated.

5. Since the elections were already concluded and the results are declared, the petitioner is at liberty to initiate appropriate proceedings seeking declaration of election as null and void or for any other consequential relief.

6. With this liberty the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.J.,)

(C.K.J.,)

18.06.2024

Index : Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



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S.M.SUBRAMANIAM, J.

and

C.KUMARAPPAN, J.

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