



W.P.Nos.19955, 24961, 26025
of 2013 & 8167 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.Nos.19955, 24961, 26025 of 2013 & 8167 of 2020

and

W.M.P.Nos.11059 of 2017, 9716 of 2020 & 12588 of 2023

W.P.No.19955 of 2013:

L.Margaret

... Petitioner

Vs.

- 1.The Registrar,
North Registration District,
First Line Beach Road,
Chennai – 600 001.
- 2.The Deputy Inspector General of Registration,
North Registration District,
First Line Beach Road,
Chennai – 600 001.
- 3.The Inspector General of Registration,
Santhome High Road,
Santhome,
Chennai – 600 028.
- 4.Women Lawyers Association,



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Represented by its Secretary,
Additional Law Chambers, 1st Floor,
High Court Buildings,
Chennai – 600 104.

5.A.Parveen

6.The Commissioner of Police,
132, E.V.K.Sampath Road,
Veppery, Periyamet,
Chennai.

... Respondents

[R5 impleaded as respondent as per order dated 02.07.2024
made in WMP.No.8940/2023 in WP.No.19955/2013]

[R6 sumo-motu impleaded as respondent as per order
dated 02.07.2024 made in WP.No.19955/2013]

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to take appropriate action upon petitioner representation dated 10.07.2013 and the 4th respondent association to comply the Section 16(3)(b) of the Tamil Nadu Societies Registration Act, 1975.

For Petitioner	: Mrs.L.Margaret Party-in-Person
For R1 to R3	: Mr.L.S.M.Hasan Fizal Additional Government Pleader
For R4	: Mr.K.Srinivasamurthy For M/s.Row and Reddy
For R5	: Mrs.D.Prasanna



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W.P.No.24961 of 2013:

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1.Mr.K.Elango
2.Mr.P.Vijendran
3.Mr.Sanjeev Kumar

... Petitioners

Vs.

1.The Secretary,
The Bar Council of Tamil Nadu,
Madras High Court Complex,
Chennai – 600 104.

2.The Madras High Court Advocates
Association (M.H.A.A),
Represented by the Secretary,
Madras High Court Complex,
Chennai – 600 104.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents in accordance with the law declared by the Hon'ble Supreme Court in its order dated 20.07.2012 in Civil Appeal Nos.3401 and 3402 of 2002, Statutory provision contained in Section 9-A of the Tamil Nadu Advocates Welfare Fund Act and the Resolution No.423 of 2012 dated 15.12.2012 passed by the 1st respondent.

[Prayer amended as per order dated 17.04.2015
in MP.No.1 of 2015 in WP.No.24961/2013]

For Petitioners : Mr.E.Prabhu

For R1 : Mr.C.K.Chandrasekar
Standing Counsel
[For BCT]

For R2 : No Appearance



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WEB COUNCIL W.P.No.26025 of 2013:

Elephant G.Rajendran

... Petitioner

Vs.

1.The Election Officer,
Madras High Court Advocates' Association,
High Court of Madras,
High Court, Chennai – 104.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to follow the above guidelines in the election may be held on the 10th September, 2013.

For Petitioner

: No Appearance

For R2

: Mr.C.K.Chandrasekar
Standing Counsel
[For BCT]

W.P.No.8167 of 2020:

Mrs.Louisal Ramesh

... Petitioner

Vs.

1.The Registrar of Societies,
Government of Tamil Nadu,
Chennai – 1.



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2. Mrs. S. Sivakami

3. Mrs. N. S. Revathy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration, declaring that Extra-Ordinary General Body Meeting alleged to have been held on 28.04.2020 for the WLA by the respondents 2 and 3 and the resolutions Passed in the alleged Meeting dated 28.04.2020 or on any other date are invalid, illegal, null and void and consequently forbearing the 1st respondent herein from in any way either admitting, accepting and perusing or approving or any decisions pursuant to the resolutions alleged to have been made for petitioner Women Lawyers' Association, either based on alleged Extra-Ordinary General Body Meeting dated 28.04.2020 or any other date without express consent and approval of the President duly approved by majority of the members having voting/ other rights in Special Extra-Ordinary General Meeting and by following necessary procedures and formalities.

For Petitioner	: Mrs. Thulasi For Mrs. Vijayalakshmi Rajagopal
For R1	: Mr. L. S. M. Hasan Fizal Additional Government Pleader
For R2	: Mrs. S. Sivakami Party-in-Person
For R3	: Mrs. N. S. Revathy Party-in-Person



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COMMON ORDER

[Order of the Court was made by **S.M.SUBRAMANIAM, J.**]

Good gesture expressed by the learned office bearers and members of the Women Lawyers Association in High Court campus is well taken by this Court and it would be appropriate to ensure that elections are conducted on expiry of term as stipulated under the bylaws of the Association and activities of the Association are conducted in a legal manner and for the welfare and benefit of the members, who all are Women Lawyers practising in High Court campus and in other Courts in Chennai City.

2. The respective learned counsels appearing on behalf of the petitioners would submit that several disputes exist between the office bearers and few members. We found that such issues deserves no adjudication from the hands of this Court and we expect and hope that learned members resolve those issues by way of negotiation or by mutual understanding. However, the core issue is that the elections are to be conducted as per the bylaws and the registration of Association under the Provisions of the Tamil Nadu Societies Registration Act, 1975 is being



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maintained intact. In the event of any lapse, the same would result in initiation of appropriate action.

3. Women Lawyers' Association are enjoying “public premises” inside the High Court campus. The public premises are allotted by the Judicial Administration, as the lawyers are Officers of the Court and they are part of judicial institution. Their presence is very much essential for dispensation of justice. Therefore, space subject to availability in public premises are provided for maintaining good conduct and to encourage the Junior Lawyers entering into the legal profession.

4. It is not in dispute between the parties that the term for elected office bearers is fixed as two years. The last election was conducted in September, 2019 and the office bearers assumed charges are continuing for about 4 ½ years without conducting any further election. This prompted few members to institute writ proceedings. Since the elected office bearers in the year 2019 is continuing the office for 4 ½ years, several allegations and complaints are raised. Thereafter, representations were sent and writ petitions are filed.

5. We are not inclined to adjudicate those allegations on merits, since a



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consensus has been arrived that the Association must function properly and in a democratic manner. The Registration of Association under the Societies Registration Act is also to be maintained intact by submitting annual returns and by complying with the procedures under the provisions of the Tamil Nadu Societies Registration Act and the Rules in force.

6. Chapter II of Certificate and Place of Practice (Verification) Rules, 2015 speaks about Local Bar Association. The Bar Association has been defined under Rule 4(g) as “Bar Association of a given area/town/city means an area/territory and Court work based association of advocates, whether registered under the Societies Registration Act (Act No.XXI of 1860) or not having its area/territory defined in terms of the whole or part of the territorial jurisdiction of Courts/Tribunals/Persons or any other Authorities legally competent to take evidence before which its members ordinarily practice law and it includes Bar Association exclusively dealing in specific fields of law, viz., Income Tax, Corporate Law, Central/State Excise Law, etc., in relation to the authorities/tribunal/boards, etc., thereunder”.

7. Rule 6 stipulates “Advocate to be a member of the Bar Association where he/she normally practices law”.



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“6.1 An advocate, after having obtained a Certificate of Enrollment under Section 22 of the Advocates Act, 1961, is required to get himself registered as a member of the Bar Association where he ordinarily practices law or intends to practice law. And if any Advocate does not intend to be a member of any Bar Association duly recognized by concerned State Bar Council, then he shall be required to intimate the same to the State Bar Council and he shall have to explain as to how shall he be getting the benefits of any welfare scheme floated by the State Bar Council or the Local Bar Association. The decision of State Bar Council shall be final in this regard.

6.2 In case an advocate leaves one Bar Association and joins another by reason of change of place of practice or by reason of change of field of law, he/she shall intimate such change with all the relevant particulars to the State Bar Council, of



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which he is a member.

Such fact of leaving as well as of joining shall be independently intimated to the aforesaid said Bar Council within a period of one month.

6.3 *Bar Associations to apply to the respective Bar Council within whose jurisdiction they are located, for being recognized under these Rules. Recognition shall be accorded to such a Bar Association only which falls within the definition of Bar Association as defined in these Rules.”*

8. The local Bar Associations are recognised by the Bar Council of Tamil Nadu and Puducherry. The recognised Associations are duty bound to ensure peaceful functioning of the Courts and the judicial administration in general. The Bar Associations are not only enjoying the public premises, but also availing the infrastructure and other facilities at the public cost. Judicial Department is allotting space for the recognised Associations subject to availability in Court premises. Therefore, the recognised associations are expected to maintain good atmosphere and conduct themselves in compliance



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with the Acts and Rules and the guidelines issued by the Bar Council of Tamil Nadu and Puducherry and also the judicial administration.

9. The Bar Council of Tamil Nadu and Puducherry is mandated under the Rules to oversee the functioning of these recognised associations across the State of Tamil Nadu and Union Territory of Puducherry. It is their duty to ensure that the recognised associations function in compliance with the Act and Rules in force. The Bar Council is empowered to initiate actions against the recognised associations or its members in the event of any compliant or information about irregularity, illegality, commission or omission, etc.

10. The recognised associations are registered association under the Tamil Nadu Societies Registration Act, 1975. Therefore, these associations are bound to comply with the provisions of the Societies Registration Act and Rules. Association registration and its functioning must be intact with reference to the Statutes and Rules in force. The registered societies have got duties and responsibilities under the Societies Registration Act. In the event of any dispute, complaint is maintainable before the District Registrar for conducting an inquiry under the Act.



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11. Therefore, the responsibilities of these associations are two folds, one towards the judicial administration and Bar Council and the other is under the provisions of the Societies Registration Act. The twin responsibilities are to be complied with simultaneously, failing which, they are liable for actions by the Bar Council of Tamil Nadu and Puducherry and by the competent authorities under the Societies Registration Act. The registration of the association, filing annual returns, members list, accounts and all other requirements as contemplated under the Societies Registration Act and Rules must be kept intact, failing which, the members are at liberty to initiate action against the office bearers and members, who all are responsible and accountable. The Bar Council is also empowered to initiate all appropriate action in the manner known to law on receipt of compliant or information.

12. At the request of Bar Council of Tamil Nadu and Puducherry and for the purpose of conducting the election in a peaceful manner, the Commissioner of Police, 132, E.V.K.Sampath Road, Veppery, Periyamet, Chennai is suo-motu impleaded as respondent.

13. In view of the facts and circumstances, we are inclined to issue the



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following directions;

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- (1) The Bar Council of Tamil Nadu and Puducherry is directed to conduct election to the Women Lawyers' Association, High Court Campus, Chennai – 600 104 by appointing the Election Commissioner and required number of Additional Election Commissioners and conduct the election by following the due process and in a democratic manner on or before 30th September, 2024.
- (2) The Women Lawyers' Association, High Court Campus is directed to ensure that the registration of their Association is intact under the provisions of Tamil Nadu Societies Registration Act, 1975. The defaults and defects, if any are to be rectified immediately. In the event of failure, the Bar Council of Tamil Nadu and Puducherry is directed to initiate all appropriate actions to de-recognise Association.
- (3) The elected office bearers of the Women Lawyers' Association are directed to ensure, the elections to the Association are conducted punctually on expiry of the term as per the bylaws. In the event of failure, the Bar Council of Tamil Nadu and Puducherry is directed to appoint a Women Special Officer to take over the administration and conduct the election in democratic manner and by following the due process within a period of four (4) months from the date of appoint of such Special Officer.



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- (4) The present Secretary of the Women Lawyers' Association, Mrs.S.Sivakami, undertakes that she will hand over all the records of the Association to the Bar Council of Tamil Nadu and Puducherry within a period of two (2) weeks from the date of receipt of a copy of this order.
- (5) The Commissioner of Police, Chennai is directed to provide adequate police protection to the Women Lawyers' Association to conduct elections in a peaceful manner, at the request of the Bar Council of Tamil Nadu and Puducherry.



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14. With the above directions, these Writ Petitions stand disposed of.

No costs. Consequently, connected Miscellaneous Petitions are closed.

15. Registry is directed to list the matter before this Bench on
03.10.2024, under the caption “For Reporting Compliance”.

[S.M.S., J.] [C.K., J.]
02.07.2024
(1/3)

Jeni

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

Note: Registry is directed to list the matter on 03.10.2024 before this Bench under the caption “For Reporting Compliance”.



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To
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- 1.The Registrar,
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- 2.The Deputy Inspector General of Registration,
North Registration District,
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Chennai – 600 001.
- 3.The Inspector General of Registration,
Santhome High Road,
Santhome,
Chennai – 600 028.
- 4.The Secretary,
The Bar Council of Tamil Nadu,
Madras High Court Complex,
Chennai – 600 104.
- 5.The Commissioner of Police,
132, E.V.K.Sampath Road,
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S.M.SUBRAMANIAM, J.
and
C.KUMARAPPAN, J.

Jeni

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