



WEB COPY



W.P.No.14815 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.P.No.14815 of 2024
and
W.M.P.No.16051 of 2024

1. Vinayaga Murugan
2. Nethaji.C
3. R.Jayakumar
4. P.Sivasankar

... Petitioners

Vs.

1. The Secretary,
Bar Council of Tamil Nadu & Puducherry,
High Court, Gate No.4, NSC Bose Road,
Chennai - 600 104.
2. The Election Officer,
Pondicherry Bar Association,
Integrated Court Complex,
Cuddalore Main Road,
Puducherry - 605 004.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, direction in the nature of a writ of mandamus directing the 1st and 2nd respondent to include the names of the



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petitioners herein in the verified voters list published by the 1st respondent for the election of Office bearers of the Pondicherry Bar Association and allow them to cast their votes in the election scheduled on 10.06.2024.

For Petitioners : Mr.T.Sai Krishnan

For R1 : Mr.C.K.Chandrasekar

ORDER

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

The writ of mandamus has been instituted to direct the first and second respondent to include the name of the petitioners, herein, in the voters list published by the first respondent for the election to the office bearers of Pondicherry Bar Association and allow them to cast their votes in the election scheduled on 10.06.2024.

2. The petitioners are the practising Advocates at Pondicherry. Their enrollment is not in dispute. The only objection raised by the second respondent/Election Officer is that, this Court passed an order on 18.03.2024 in W.P.No.3050 of 2024 stating that 1029 advocates/members of the Pondicherry Bar Association are eligible voters to cast their votes and they



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alone must be permitted to participate in the election and cast their votes.

Since the numbers are specified in the order passed by this Court dated 18.03.2024, the Election Officer raised an objection by stating that the writ petitioners, herein, will not be permitted and more so, the list was finalised by the High Court.

3. We are of the considered opinion that the number of Advocates i.e., 1029 were identified by this Court at the time of passing of the order. Subsequently, it is found that the writ petitioners, herein, are also practising advocates at Pondicherry and members of the Pondicherry Bar Association. When the said facts are not disputed between the parties, right to cast their vote cannot be denied, since the right to vote is a fundamental right.

4. The Bar Council has no serious objection for permitting three writ petitioners viz., (1) Mr.D.Vinayaga Murugan, (2) C.Nethaji and (3) Mr.R.Jayakumar. However, regarding one Mr.P.Sivasankar, Mr.C.K.Chandrasekar, learned Counsel appearing on behalf of the first respondent/Bar Council would submit that correction is pending and the Bar



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Council has to complete the verification process. The said process is directed to be completed within a period of two days. If Mr.P.Sivasankar, is found to be eligible, he should also be permitted to participate in the process of election and cast his vote.

5. With reference to other writ petitioners viz., Mr.D.Vinayaga Murugan, Mr.C.Nethaji and Mr.R.Jayakumar, the respondents are directed to permit them to cast their vote in the Pondicherry Bar Association Election scheduled to be held on 10.06.2024. Mr.C.K.Chandrasekar, learned Counsel for the Bar Council of Tamil Nadu and Puducherry is directed to communicate this order to the Election Officer/2nd respondent immediately without waiting for the copy of this order.

6. Accordingly, this Writ Petition stands **allowed**. No costs. Consequently, connected miscellaneous is closed.

[S.M.S.J.] [C.K.J.]
06.06.2024
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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

1. The Secretary,
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High Court, Gate No.4, NSC Bose Road,
Chennai - 600 104.
2. The Election Officer,
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AND
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Order in
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