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W.P.No.18093 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

CORAM

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

W.P.No.18093 of 2024

Selvi. M. Subhashini (minor)
rep. by her mother M.Devi.

... Petitioner

Vs.

1. The Secretary,
Bar Council Of Tamil And Pondicherry,
Chennai -600 104.

2. Assistant Secretary,
Bar Council Of Tamil And Pondicherry,
Chennai -600 104.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider the representation dated 26.02.2024 unto disperse the amount under Tamil Nadu Advocates Welfare Scheme arising out of death of B.Mahendran, Advocate, bearing Enrollment No. 2474/2009, died on 10.12.2022, bearing welfare life subscription No. 28412 as per nomination particulars available over certificate of membership issued by the 1st respondent on 20.07.2012.



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For Petitioner : Dr.G.Krishnamurthy

For Respondents : Mr.C.K.Chandra Sekkar (for R1 & R2)

ORDER

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

The grievances of the writ petitioner is that the Welfare Fund Scheme benefits are not disbursed to her despite the applications submitted to the respondent Bar Counsel of Tamil Nadu and Pondicherry.

2. Dr.G.Krishnamurthy, learned counsel for the petitioner would submit that the deceased advocate has submitted her daughter as nominee and therefore, there is no impediment to settle the Advocates' Welfare Scheme benefits.

3. Per Contra Mr.C.K.Chandrasekhar, learned counsel for the respondents would oppose by stating that the petitioner has to submit Death Certificate and Legal Heirship Certificate, enabling the Bar Council of Tamil Nadu and Pondicherry to process the application in the manner contemplated



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under the scheme. Admittedly, the petitioner has not produced the Legal Heirship Certificate and therefore, the application is kept pending.

4. Dr.G.Krishnamurthy, learned counsel for the petitioner, would submit that the Tahsildar has refused to issue Legal Heirship Certificate. That being the factum, the petitioner has to approach the Civil Court for the purpose of establishing her civil rights to receive the benefits of the Advocates' Welfare Scheme.

5. In view of the facts, the petitioner is at liberty to approach the Civil Court of law for the purpose of establishing her rights to receive the benefits under the Advocates' Welfare Scheme. Accordingly, the writ petition stands disposed of. No costs.

(S.M.S.J.,)

(C.K.J.,)

24.07.2024

Index : Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



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To
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Bar Council Of Tamil And Pondicherry,
Chennai -600 104.

2. Assistant Secretary,
Bar Council Of Tamil And Pondicherry,
Chennai -600 104.



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S.M.SUBRAMANIAM, J.

and

C.KUMARAPPAN, J.

(sha)

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