



WEB COPY



W.P.No.25388 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

W.P.No.25388 of 2024
and
W.M.P.Nos.27755 & 27756 of 2024

S.Sugumar, M.A.B.L

... Petitioner

Vs.

1. Thiru.B.Ashok
Co-Chairman,
Tamilnadu And Puducherry Bar Council,
High Court Campus,
Chennai 600104.

2. Thiru.D.Saravanan,
Co-Chairman,
Tamilnadu And Puducherry Bar Council,
High Court Campus,
Chennai 600104.

3. Thiru.S.Ilamvazhuthi,
Advocate,
Egmore Court Advocates Sangam Election Committee Member,
Tamilnadu And Puducherry Bar Council,
High Court Campus,
Chennai 600104.



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4. The Secretary,
Tamilnadu And Puducherry Bar Council,
High Court Campus,
Chennai 600104.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of (a) writ of certiorari, to call for the records relating to impugned election notification dated Nil, issued by the 1 to 3 Respondents / Election Committee that mandates the collection of exorbitant nomination fees for contesting in the elections of the Egmore Court Advocates Association is unconstitutional, being arbitrary, discriminatory and violative of Articles 14 and 19(1) and quash the same. (b) writ of mandamus, to direct the respondents 1 to 3 / Election Committee to re-fix the nomination fees at a nominal and reasonable amount, ensuring it is fair and affordable to all members, irrespective of their financial status, (c) writ of Mandamus, to direct the respondents 1 to 3 to hold fresh elections after revising the nomination fees in accordance with the orders of this Honourable Court.

For Petitioner : Mr.J.Anand

ORDER

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

Under assail in the present writ petition is the election notification issued by the Committee constituted by the Bar Council of Tamil Nadu and



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Puducherry to conduct elections to the Egmore Bar Association.

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2. Pursuant to the directions issued by this Court, the Bar Council of Tamil Nadu and Puducherry appointed Election Committee to conduct elections. The Committee published notification along with election schedule. Voting is scheduled to be held on 30.08.2024 from 9 am to 5 pm. The present writ petition has been instituted two days prior to the election on 27.08.2024 with an allegation that the deposit amount, prescribed in the election notification, is enormous and the petitioner is unable to pay the deposit amount. However, he is contesting for the post of President of Egmore Bar Association. The notification was issued one month prior and the writ petition has been filed after publication of final list of candidates on 21.08.2024. Thus, the writ petition itself is not entertainable.

3. Pertinently, the petitioner has not challenged the election notification issued by the Secretary, Bar Council of Tamil Nadu Puducherry/4th respondent in proceeding dated 02.08.2024. The writ petition has been filed now, by impleading the authorities in their personal capacity. We could able to infer that the writ has been instituted with an ulterior motive to stall the elections. Such an idea of a member of the Society, at no



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circumstances be encouraged by the High Court.

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4. Egmore Bar Association is a Society registered under the Tamil Nadu Societies Registration Act. Decisions are taken by the Association in accordance with the bylaws or at the instructions of the Bar Council of Tamil Nadu and Puducherry, who grant recognition to the Bar Associations. Such recognised Bar Associations are bound to follow the rules and regulations and instructions issued by the Bar Council of Tamil Nadu and Puducherry. Importantly, Egmore Bar Association has not been impleaded as a party respondent in the writ petition. The manner in which the writ petition has been instituted would be sufficient to draw an inference that the petitioner filed the present petition with an ill motive. The reason stated and the grounds raised are untenable. The elections cannot be stalled since it is scheduled to be conducted on 30.08.2024 (i.e., tomorrow) from 9 am.

5. In view of the facts and circumstances, we are not inclined to entertain the writ petition on the ground that the affairs of the societies are to be regulated in accordance with its bylaws and the elections are scheduled to be conducted based on the directions issued by this Court through the Committee appointed by the Bar Council of Tamil Nadu and Puducherry.



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Accordingly, the writ petition stands dismissed with the cost of Rs.5,000/-, which is directed to be paid to the High Court Legal Services Committee on or before 05.09.2024. Consequently, connected miscellaneous petitions are closed.

6. Post the matter under the caption “For Reporting Compliance” on 06.09.2024.

(S.M.S.J.,)

(N.S.J.,)

29.08.2024

Index : Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



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S.M.SUBRAMANIAM, J.

and

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