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W.P.No.26437 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P.No.26437 of 2024

Ms. Archana Sampath

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Petitioner

Vs.

1. The Secretary,
The Bar Council of Tamil Nadu,
Madras High Court Complex,
Chennai – 600 104.
2. The Election Commissioner,
Madras High Court Campus,
Chennai – 600 104.
3. The Registrar,
Kuralagam,
Chennai – 108.
4. Women Lawyers Association,
First Floor, Additional Lawyers Chambers,
Madras High Court,
Chennai- 600 104

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Certiorarified Mandamus to call for the records



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relating to 2nd respondent order dated 03.09.2024 to quash the same and to direct the 1 to 4 respondents to comply with the registered 14th January 1990 bye-laws, consequently direct the respondents to allow the petitioner to contest the election for the post of Junior Executive Committee member without any hindrance for the upcoming election 2024-2026.

For Petitioner : Mr.L.Chandrakumar
for Mr.Kasi Vishwanathan

For Respondents : Mr. C.K. Chandrasekar
Senior Counsel for BCT

ORDER

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

The lis on hand has been instituted to assail the order passed by the Women Lawyers Association, Madras High Court Campus at Chennai.

2. The petitioner is a practising lawyer in Madras High Court and member of the 4th respondent/Women Lawyers Association. Pursuant to the directions issued by the Division Bench of this Court dated 02.07.2024 in W.P.No.19955 of 2013, etc., the Bar Council of Tamilnadu and Puducherry has notified election. The election is scheduled to be held on 27.09.2024.



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3. The petitioner submitted an application to contest for the post of Junior Executive Committee Member of the Women Lawyer Association. The petitioner herself found that she is not eligible to contest in the election as she has not completed minimum period of 5 years as continuous member of the association as contemplated under the bye-law of the Women Lawyers Association. The submission/request made by the petitioner was rejected by the Election Commissioner for Women Lawyers Association's Election 2024.

4. Mr.L.Chandrakumar, learned counsel appearing on behalf of the petitioner would mainly contend that the bye-law though amended even during the 2019 elections, it was not accepted by the Registrar under the provisions of the Tamil Nadu Society Registration Act. Therefore, the old bye-law, which was prevailing prior to the 2019 is to be followed for the purpose of conduct of election. If the pre-amended bye-laws are followed, the petitioner would be eligible to contest for the post of Junior Executive Committee Member.

5. Mr.C.K.Chandra Sekar, learned counsel appearing on behalf of the Bar Council of TamilNadu would submit that the amended bye-law was already implemented even in the previous election conducted in the year 2019. The General Body of the Association passed resolution implemented the same and



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simultaneously presented the same before the Registrar under the Tamil Nadu Societies Registration Act. The Division Bench of this Court in W.P.No.13389 of 2015 dated 17.07.2019 held as follows:-

“11. With regard to coming into force of the new bye-laws, it has been noted in the earlier Division Bench Judgment that it had come into force during 2013-2014 and there was a counter argument and it was clarified by the subsequent judgment. However, this Court is not going into the said issue. As all the parties have agreed for conducting the election as per the new bye-laws, excepting the subscription issue and this Court has also held that subscription of Rs.50/- per month is not a very big amount and as per the new bye-laws, the amount has to be paid, from this election onwards, the new bye-laws have come into force and all the clauses of the new bye-laws are binding on all the parties. The members, while paying subscription, are advised not to pay in bulk, but by way of Demand Draft or cheque.”

6. As per the above order, the Women Lawyers Association submitted their application to the competent authority under the Societies Registration Act. Pertinently, 2019 election was conducted based on the amended bye-law, which was accepted by all the members of the association and the Division Bench of this Court also accepted the same and accordingly, the election was completed.



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That being so, presently now after the election notification, the petitioner is raising the very same issue on the ground that the pre-amended bye-law alone is to be implemented for the purpose of conduct of election. If at all the petitioner is really interested, she would have raised all these issues immediately after completion of election in the year 2019. Having waited for about 5 years, now, she cannot turn around and question the same bye-law, which was not questioned by the petitioner even after completion of the election in the 2019. Once a member accepted 2019 election, which was conducted based on the amended bye-law and as per the directions of the Division Bench of this Court, thereafter, she can raise the same point, in the General Body of Women Lawyers Association. The petitioner is making an attempt to disturb the peaceful conduct of election, which cannot be accepted by this Court. The petitioner was very much aware of the amended bye-law, and she is not eligible to contest in the election unless she is a member of the association continuously for the period of 5 years. Knowing the said fact, the present writ petition is filed. Therefore, we are not inclined to entertain the claim of the petitioner.

7. The Women Lawyers Association is a society registered under the Tamil Nadu Societies Registration Act. The Women Lawyers Association is



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functioning as per the bye-laws approved by the General Body. Therefore, no writ against the society is maintainable regarding election disputes.

8. Accordingly, this Writ Petition stands dismissed. No costs.

[S.M.S., J.] [V.S.G., J.]

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Index: Yes/No

Speaking/Non-speaking order

mrp

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3. The Registrar,
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4. Women Lawyers Association,
First Floor, Additional Lawyers Chambers,
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5. The Public Prosecutor,
Madras High Court,



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