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W.P.No.27778 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

and

THE HONOURABLE MRS. JUSTICE N. MALA

W.P.No.27778 of 2024

Vasuki

... Petitioner

Vs.

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

2.A.E.Chellaiah

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration, declaring that the appointment and action of the Election Committee constituted by the 1st respondent is void ab-initio, being in violation of the common order passed in W.P.Nos19955, 24961, 26025 of 2013 & 8167 of 2020 by its order dated 02.07.2024 passed by this Hon'ble Court and permitting the Women Lawyers Association to conduct the election as per the amended by-law of the Women Lawyers



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Association, Chennai, consequently appointing any one of the Senior Counsel to head the Election Committee, or appoint a new election committee having experience in conducting election of various Advocates Association in our Hon'ble High Court campus.

For Petitioner : Mrs.Kanimozhi Mathi

For Respondents : Mr.S.Ilamvaludhi (for R1)

ORDER

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

The writ declaration has been instituted to declare that the appointment and action of the Election Committee constituted by the Bar Council of Tamil Nadu and Puducherry is void ab-initio, being in violation of the common order passed in W.P.Nos19955, 24961, 26025 of 2013 & 8167 of 2020, by its order dated 02.07.2024 passed by this Hon'ble Court and permitting the Women Lawyers Association to conduct the election as per the amended by-law of the Women Lawyers Association, Chennai, consequently, appointing any one of the Senior Counsel to head the Election Committee, or appoint a new election committee having experience in conducting election of various Advocates Association in our Hon'ble High Court campus.



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2. The petitioner is a member of Women Lawyers Association High Court Campus. The learned counsel appearing on behalf of the petitioner, Mrs.Kanimozhi Mathi, would submit that certain ineligible persons are included as members and in the event of allowing them to exercise right of voting, the other members will be prejudiced.

3. The petitioner states that regarding collection of subscription of arrears of membership fee, complains are received but no actions are taken. This Court is of the considered opinion that certain issues raised after commencement of election process are to be adjudicated only by way of an election petition. During the course of election, the members of Women Lawyers Association shall approach the Election Committee, if any such issues can be resolved in accordance with the by-laws. In any event, the election cannot be stalled and the disputes, if any, to be adjudicated only through an election petition.

4. Women Lawyers Association, is a society registered under the Tamil Nadu Societies Registration Act. Recognition was granted by the Bar Council of Tamil Nadu and Puducherry for a limited purpose. The by-laws of the



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Association, approved by the Registrar under the Societies Registration Act, will prevail over and even in respect of any dispute relating to by-laws, it is to be adjudicated before the competent authorities under the Societies Registration Act. Election notification has already been issued pursuant to the directions of this Court. Election Committee was appointed by the Bar Council of Tamil Nadu And Puducherry. The process of election admittedly commenced. At this juncture, High Court cannot entertain a writ petition in order to resolve certain election related issues which all are raised by the members.

5. Pertinently, no writ against the affairs of a Society, registered under the Tamil Nadu Societies Registration Act, is entertainable and the writ petitions are entertained only to enforce the statutory duties of the Bar Council of Tamil Nadu to monitor the affairs of the Associations, which all are recognised by them. All other election related disputes of the society must be resolved in the manner contemplated under the Societies Registration Act or by approaching the competent Civil Court of law. Thus, we are not inclined to entertain the writ petition.

6. It is needless to state that the Election Committee, appointed by the



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Bar Council of Tamil Nadu, shall proceed with the election of Women Lawyers Association and conduct the same freely and impartially by following the established principles.

7. With these observations, the writ petition stands dismissed.

However, there shall be no order as to costs.

(S.M.S.J.,)

(N.M.,J.)

18.09.2024

Index : Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)

To

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



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S.M.SUBRAMANIAM, J.

and

N. MALA, J.

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