



W.P.(MD)No.18301 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 11.07.2025

CORAM:

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

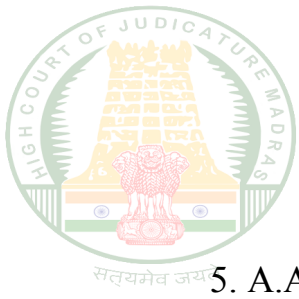
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V.Selvin

... Petitioner

-VS-

1. The Secretary,
Bar Council of Tamil Nadu and Puducherry,
Chennai – 600 104.
2. The Vallioor Bar Association,
Represented by its Secretary,
Judicial Magistrate Court Buildings,
Vadakku Vallioor,
Radhapuram Taluk,
Tirunelveli District.
3. P.Suresh Kumar,
President, Vallioor Bar Association,
Judicial Magistrate Court Buildings,
Vadakku Vallioor, Radhapuram Taluk,
Tirunelveli District.
4. G. Bivinson Solomon,
Secretary, Vallioor Bar Association,
Judicial Magistrate Court Buildings,
Vadakku Vallioor,
Radhapuram Taluk,
Tirunelveli District.



W.P.(MD)No.18301 of 2025

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5. A.Arun,

Vice President,

Vallioor Bar Association Judicial Magistrate Court Buildings,

Vadakku Vallioor,

Radhapuram Taluk,

Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to calling for the records namely the letter of rejection dated 02.05.2025, issued by the second and third respondent, rejecting the petitioner application dated 09.04.2025 and to quash the same, and consequentially direct the respondents so as to process the application of the petitioner dated 09.04.2025 submitted to the third respondent on receipt of the requisite fee of Rs.7,500/- and to enrol the petitioner as member of Valliyur Criminal Bar Association vide registration No.129/91.

For Petitioner	: Mr.G.Aravinthan for M/s.Aran Legal Consultancy
For R1	: Mr.K.K.Laxman
For R2 & R5	: Not ready in notice
For R3 & R4	: Mr.R.Anand

ORDER

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

The order of rejection rejecting the request made by the petitioner to become a member of Valliyur Criminal Bar Association is under challenge in the present writ petition.



W.P.(MD)No.18301 of 2025

WEB COPY 2. It is not in dispute between the parties that the petitioner has enrolled as an Advocate in the Bar Council of Tamil Nadu and Puducherry. He is in possession of valid identity card and the enrollment certificate issued by the Bar Council of Tamil Nadu and Puducherry. Thus, he is eligible to become a member of the Vallioor Bar Association, which is a recognized association by the Bar Council of Tamil Nadu and Puducherry and a place has been allotted for the association by the judicial administration in the Court premises. The recognized Bar Association cannot deny admission to the lawyers who possess valid identity card and the enrollment certificate issued by any Bar Councils across the country. If at all they have any doubt about the genuinity, the Bar Association may verify the certificate with the Bar Counsel in which the lawyer has enrolled himself as an Advocate. There cannot be any discrimination or rejection of membership as far as the lawyers are concerned. Rejection cannot be done in view of the fact that Bar Council of Tamil Nadu and Puducherry has recognized this Bar Association and space has been provided by the judicial administration.



W.P.(MD)No.18301 of 2025

WEB COPY 3. Thus, the right to practice conferred under the Advocates Act to the lawyers cannot be denied. He must be in a position to utilize the association space for practicing law and for purchase of welfare stamps and other facilities provided by the judicial administration to the Bar Association which is controlled by the Bar Council of Tamil Nadu and Puducherry.

4. The learned counsel appearing for the respondents 3 and 4 would submit that the petitioner has not submitted the application properly. Though he has paid the fee amount of Rs.7,500/-, he has not submitted the application in the prescribed format, therefore his request was rejected.

5. Per contra, the learned counsel appearing for the petitioner would submit that though the Bar Association is a society registered under the Tamil Nadu Societies Registration Act, 1975, in view of the fact that such Bar associations are recognized by the Bar Council of Tamil Nadu and Puducherry under the Advocates Acts and Rules and the Bar Council of India Rules and they are in occupation of the Court premises which is a public institution. Therefore, the writ petition cannot be rejected.



W.P.(MD)No.18301 of 2025

WEB COPY

6. That apart, it is a fundamental right of a lawyer to practice law in all the Courts across the country. Whenever such nature of dispute arises more specifically within the Court premises where the association situates and the judicial administration granted several facilities to the lawyer, no lawyer can be deprived of such facilities. Therefore, rejection of membership by any Bar Association to a lawyer would infringe his right to practice freely, fairly and by utilizing the infrastructure and other facilities provided by the judicial administration to the lawyers through the Bar Association in Court premises.

7. No doubt some dispute exist between the office bearers of the Vallioor Bar Association. The petitioner is expected to cooperate and follow the decorum inside the association buildings. Association is bound to maintain decency and decorum both inside and outside the Court premises. Therefore, the petitioner has to submit an application in the prescribed format by providing all necessary details and the certificates as required as per the by laws to the 2nd respondent association.



W.P.(MD)No.18301 of 2025

WEB COPY

8. In the event of submitting an application along with prescribed fees by the petitioner, the respondents 2 to 5 are directed to admit the petitioner as a member of the 2nd respondent association within a period of one (1) week from the date of receipt of the application.

9. Therefore, the impugned order is set aside. Accordingly, the writ petition is allowed. The 2nd respondent association is directed to issue membership form to the petitioner within a period of three (3) days from the date of receipt of a copy of this order. On receipt of the same, the petitioner is at liberty to submit an application to the 2nd respondent along with the prescribed fees immediately. The 2nd respondent who in turn shall thereafter admit the petitioner as a member of the association within a period of one week.

10. The writ petition stands allowed with the above directions.
No costs.

(S.M.S., J.)

(A.D.M.C., J.)

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NCC :yes/No
Index :yes/No
Internet:yes/No
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