



*W.P.(MD)No.28327 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **06.01.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.28327 of 2024

and

W.M.P.(MD)No.24014 of 2024

I.Ammal

... Petitioner

Vs.

1.The Commissioner,  
Agastheeshwaram Panchayat Union,  
Perumalpuram,  
Kanniyakumari.

2.The District Collector,  
O/o. Collectorate,  
Kanniyakumari.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of impugned order Na.Ga.En.AA2/3427/2022 dated 13.11.2024 of the first respondent and quash the same as illegal, arbitrary and unenforceable, consequently, direct the first respondent to re-register the petitioner as eligible registered contractor of the Agastheeshwaram Panchayat Union, and further direct the second respondent to take action against the first respondent for his dereliction of duty.



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For Petitioner : Mr.K.Govindarajan  
for Mr.G.Aravinthan  
For Respondents : Mr.G.Surya Ananth (R1)  
Government Advocate  
Mr.D.S.Neduncheliyan (R2)  
Government Advocate

### **ORDER**

Challenging the impugned order passed by the first respondent dated 13.11.2024 refusing to recognize the petitioner's power of attorney in favour of her son, namely, Srinivasan, who is a practising advocate, by relying upon Rules 47 to 53 of the Bar Council of India Rules, 1975, this writ petition is filed.

2. Heard the learned counsel on either side.

3. The petitioner is a registered contractor of Agastheeshwaram Panchayat Union for the year 2024-25 and the same is valid till 31.03.2025. Due to the inability and the old age of the petitioner, she executed a general power of attorney in favour of his son, who is a practising Advocate bearing Reg. No. MS280/06. Citing the Rules 47 to 53 of the Bar Council of India Rules, 1975, the petitioner's registration as Contractor came to be suspended temporarily by the impugned order. Hence, this petition is filed.



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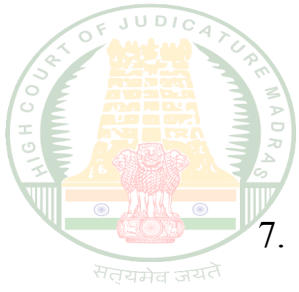
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4. The learned counsel appearing for the petitioner submitted that the Rules 47 to 53 of the Bar Council of India Rules, 1975, relied upon by the first respondent do not prohibit an Advocate from functioning as a general power of attorney of any person and in this case, more particularly only because of the petitioner's old age, the petitioner has executed a general power of attorney in favour of her son.

5. The learned Government Advocate appearing for the first respondent submitted that the impugned order itself made it clear that the petitioner can very well continue her business by appointing any other person other than the Advocate as a power of attorney holder.

6. Rule 50 of the Bar Council of India Rules is extracted as follows:-

*“An advocate who has inherited, or succeeded by survivorship to, a family business may continue it, but may not personally participate in the management thereof. He may continue to hold a share with others in any business which has descended to him by survivorship or inheritance or by will, provided he does not personally participate in the management thereof.”*



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7. It is clearly held that an Advocate, even he had inherited or survived, a family business may continue it, but may not personally participate in the management of the same. In the instant case, the power of attorney itself is to manage the business of the petitioner.

8. However, this Court is of the considered view that it would not absolve the petitioner's right to continue her business in her own name, as she holds the valid registration for the year 2024-25, which is valid till 31.03.2025. In view of the same, the impugned order dated 13.11.2024 is quashed to the extent that the petitioner may be permitted to participate in all the business pertaining to her registration with the first respondent union. This writ petition is accordingly disposed of. It is also made it clear that the petitioner is permitted to continue with the work which has been stopped. No costs. Consequently, connected miscellaneous petition is closed.

**06.01.2025**

NCC : Yes / No  
Index : Yes / No  
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**L.VICTORIA GOWRI, J.**

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Order made in  
W.P.(MD)No.28327 of 2024

Dated  
06.01.2025