

**W.P. No. 16033 of 2021 and
W.M.P. Nos. 16942 & 16943 of 2021
(through video conference)**

**N.KIRUBAKARAN, J.
and
R.PONGIAPPAN, J.**

[Order of the Court was made by N.KIRUBAKARAN, J.,]

The Petitioner, who is one of the members of Bar Association, has challenged the election notification issued by the Bar Association dated 14.07.2021, on the ground that due to pandemic, all members of Bar Association could not come out and pay their respective subscriptions, and there is no necessity for the Bar Association to conduct the election at this stage.

2. Heard Mr. S.Vijaya Kumar, Learned Counsel appearing for the Petitioner, who stresses the points raised in this Writ Petition. Mr. C.K.Chandrasekaran, Learned Counsel, who takes notice for the Fourth Respondent, Mrs. R.Anitha, Learned State Government Counsel, who takes notice for the First Respondent and Mr. A.R.L.Sundaresan, Learned Senior Counsel appearing for the Election Officer, and perused the materials placed on records.

3. Mr. A.R.L.Sundaresan, Learned Senior Counsel appearing for the Election

Officer submits that in terms of the direction given by the Ad-hoc Committee to conduct the election for the Bar Association, the election notification was given on 14.07.2021 and as per the decision of the General Body Meeting only, the election is being conducted. Members, who have paid their subscription for the year ending 31.03.2020 are only eligible to cast their votes in the election. Therefore, the argument made by the Learned Counsel appearing for the Petitioner is unsustainable.

4. Mr. C.K.Chandrasekaran, Learned Counsel appearing for the Bar Council relying on the *Salem Bar Association* case, in which it has been declared that all Associations should get certificate of practice verification done by the Bar Council and thereafter only, the voters list should be prepared, submits that no verification in respect of certificate of practice has been done by the Bar Council.

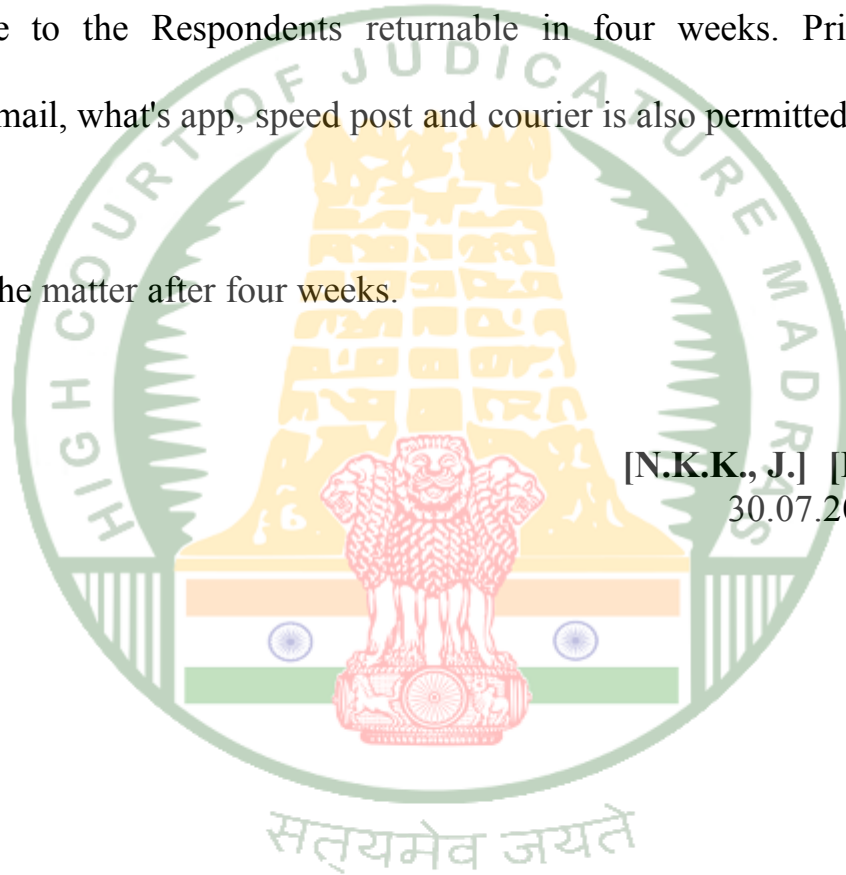
5. It is seen from the election schedule that the publication of voters list was already over by 15.07.2021. However, voters list has not been sent to the Bar Council for verification of certificates of practice. Therefore, it is very clear that the preparation of voters list is not accordance with the procedure laid down.

6. In view of that, there shall be an order of interim stay as prayed for. The Ad-hoc Committee, which is administering the Bar Association, shall continue to administer the same, until further orders.

7. Notice to the Respondents returnable in four weeks. Private notice including e-mail, what's app, speed post and courier is also permitted.

Post the matter after four weeks.

Maya



[N.K.K., J.] [R.P.A., J.]
30.07.2021

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**N.KIRUBAKARAN, J.
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R.PONGIAPPAN, J.**

Maya



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Dated : 30.07.2021