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W.P.No.6176 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 04.08.2025

PRONOUNCED ON: 29.08.2025

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

W.P.No.6176 of 2025

Women Lawyers Association of Nilgiris
Represented by its President
Mrs.R.Revathy
Chamber No's.1 & 2
Combined Court Complex
Kakkathoppe Finger Post
Udhagamandalam-643 006
The Nilgiris District.

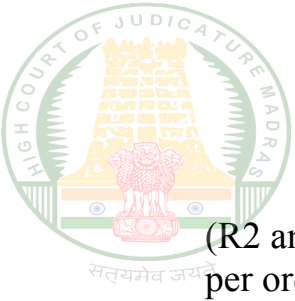
... Petitioner

Vs.

1.The Secretary,
Bar Council of Tamil Nadu & Puducherry,
High Court Campus,
Chennai-600 104

2.The Registrar General of
Madras High Court, Chennai

3.The Nilgiris District Bar Association,
Nilgiris



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(R2 and R3 are suo motu impleaded as
per order dated 28.03.2025 in W.P.No.6176 of 2025)

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... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records in respect of the impugned resolution dated 18.10.2023 made in Resolution No.664/2023 on the file of the respondent herein, quash the same and consequently, direct the respondent herein to grant recognition to the petitioner association under Section 13 of the Tamil Nadu Advocates Welfare Fund Act, 1987.

For Petitioner : Mr.T.Murugamanickam
Senior Counsel for
Mr.V.Rajesh

For Respondents : Mr.C.K.Chandrasekar for R1
Mr.Naveen Kumar Murthi for
Mr.Srujith Krishna for R3
Mr.Kannan Kumar for R2

ORDER

M.S.RAMESH, J.

The Women Lawyers Association of Nilgiris / the petitioner herein made an application under Section 13 of the Tamil Nadu Advocates Welfare Fund Act, 1987 to the Bar Council of Tamil Nadu and Puducherry / the first respondent herein, seeking for recognition and registration of their



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Association, through an application in Form No.1 dated 24.03.2023. The State Bar Council (hereinafter referred to 'Bar Council'), after conducting an enquiry, had rejected their application, through a resolution No.664/2023 dated 18.10.2023, which is put under challenge in this writ petition.

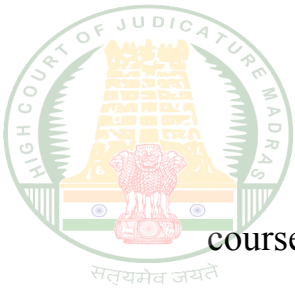
2. Mr.T.Murugamanickam, learned senior counsel for the petitioner submitted that the petitioner Association was registered under Section 10 of the Tamil Nadu Societies Registration Act, 1975 and was assigned with a Registration No.12/2023 on the file of the Registrar of Societies, Udthagamandalam, Nilgiris District. It is thus a legally constituted body formed by the practising women advocates in the Nilgiris District, with an object to protect their interests, as well as to ensure their well being. According to him, though the Madras High Court had allotted a separate room with toilet facilities for the women advocates, it was arbitrarily sealed, and only after the petitioner Association had approached the Hon'ble Supreme Court, challenging the said act, the room and the toilets were ordered to be de-sealed. Touching upon the impugned order of rejection, the learned Senior Counsel submitted that the Bar Council had arbitrarily



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rejected their application seeking for recognition and registration, and the prior inspection and enquiry conducted by it, was not in accordance with law.

3. Mr.C.K.Chandrasekar, learned counsel appearing for the Bar Council / first respondent submitted that an association of advocates may apply for recognition and registration to the Bar Council, for availing the benefits of the welfare fund for its members under Section 13 of the Tamil Nadu Advocates Welfare Fund Act, 1987 and on receipt of such an application, the Bar Council is empowered to conduct an enquiry under Sub Section 3 of the Act for consideration of the application. According to him, in the instant case, an inspection was conducted by the Bar Council pursuant to their application and found that among the total strength of 34 women advocates, practising in the Nilgiris District, majority of the members expressed that they wanted to continue their membership with the Nilgiris District Bar Association / third respondent and owing to some internal dispute among the women advocates, a very few members alone have decided to start a separate association. He further submitted that during the



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course of the enquiry, it was found that even some of the Office Bearers expressed their intention to continue their membership with the third respondent Association, which establishes the existence of personal enmity among the women advocates. The learned counsel also submitted that the Bar Council has resolved to recognize only one association in one court centre and, since the petitioner Association is the second association, it was felt non-essential to grant recognition and therefore, the Bar Council had resolved to reject the petitioner's application.

4. Mr.Naveen Kumar Murthi, learned counsel appearing for the third respondent Association would submit that though room and toilets allotted to the petitioner Association were originally sealed, they were subsequently de-sealed and the women advocates now have access to them. According to him, among the 80 women advocates practising in the combined District Court Complex, 56 are members of their Nilgiris District Bar Association and not 41 as claimed by the petitioner. He would further state that the petitioner Association has only 13 members, as against its claim of 41 advocates as members. With such submissions, he endorsed the resolution of



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the Bar Council's rejection.

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5. We have given our careful consideration to the submissions made.

6. The Advocates Act, 1961 does not provide for the recognition or registration of an association or body of advocates, but predominantly deals with the mode of enrolment of advocates and the initiation of disciplinary action against complaints of professional misconduct by its members.

7. The Tamil Nadu Advocates Welfare Fund Act, 1987 (hereinafter referred to as 'Welfare Fund Act') was enacted for constitution of the welfare fund for the benefits of the advocates, on cessation of their practice and its incidental matters. Section 13 of the Welfare Fund Act provides for recognition, and registration of an association of advocates by the Bar Council on an application, with the procedure for consideration of such an application. For the sake of convenience, Section 13 of the said Act is extracted hereunder:



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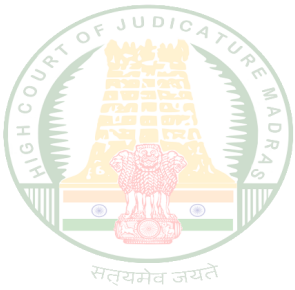
"13. Recognition and Registration by Bar Council of any association of advocates.

1. (a) "Any associations of advocates known by any name, functioning in any part of the state may, before a date to be notified or before such extended date as may be notified by the Bar Council in such form as may be prescribed.

(b) Any association of advocates constituted after the date of publication of the Tamil Nadu Advocates Welfare Fund (Amendment) Act, 1990 in the Tamil Nadu Government Gazette may, apply for recognition and registration to the Bar Council in such form as may be prescribed."

2. Every applications for recognition and registration shall be accompanied by the rules or by - laws of the association names and addresses of the office bearers of the association and an uptodate list of the members of the association showing the name, address, age, date of enrolment and the ordinary place of practice of such member.

3.The Bar Council may after such enquiry, as it deems necessary, recognise the association and issue a certificates



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of registration in such form as may be prescribed.

4. The decision of the Bar Council under sub-section 3 shall be final."

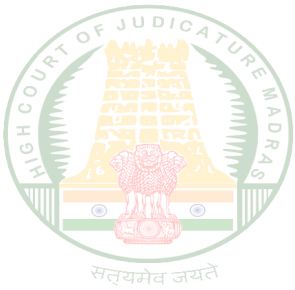
8. The Tamil Nadu Advocates Welfare Fund Rules, 1989 (hereinafter referred to as 'Welfare Fund Rules') prescribes the mode by which an application for recognition of an association of advocates has to be made.

Rule 3, which deals with the procedure reads as follows:

" 3. Application for recognition to Bar Council:

1. An application under S.13 of the Act by any association of advocates functioning in any Court centre to the Bar Council for recognition shall be in form No. 1

2. Every application in form No. 1 shall be accompanied by an authenticated copy of the rules and/or bye-laws of the Association an upto date list of the members of the Association, showing their names, address, age, date of birth, date of enrolment, the roll number in the state roll maintained by the Bar council under S. 17 of the Advocates Act, 1961 (Central Act 25 of 1961), the place where the member ordinarily practises the period of suspension if any, and such application shall be duly signed by the President and secretary of the Association.



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3. The Certificate of registration to be issued by the Bar Council shall be in Form No II

4. The Bar Council may recognise more than one Bar Association at a court Centre, for special reasons to be recorded in writing."

9. The petitioner Association, which is an association of women advocates duly registered under the Tamil Nadu Societies Registration Act, 1975, has made an application in the required formate in Form No.1 of the Welfare Fund Rules on 24.03.2023. Along with the application, they had enclosed the following supporting materials:

- (i) The demand draft of Rs.10,000/- in favour of the Secretary, Bar Council of Tamilnadu and Puducherry, Chennai towards the recognition fee;
- (ii) The affidavits of the members;
- (iii) List of the members in our association;
- (iv) Form No.1 application for recognition;
- (v) Certificate of registration of Women Lawyers Association of Nilgiris (WLAN); and
- (vi) By laws



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WEB COPY 10. In the impugned resolution, the Bar Council appears to have assumed itself as a fact finding authority and had conducted a full fledged personal inspection and enquiry on the application made by the petitioner Association for recognition and registration. From the outcome of such inspection and enquiry, the Bar Council appears to have taken views of the third respondent Association, which was already recognized by them, and based on the members present in that association, had conducted a detailed enquiry with regard to the total number of members, including the strength of its women advocates and had come to the conclusion that only very few among them were willing to start the new association, while the majority of it's women members preferred to continue in the third respondent Association.

11. After conducting such an enquiry, the Bar Council appears to have relied upon one of its own resolution to recognize only one association in one court centre and had thereby rejected the application of the petitioner Association.



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WEB COPY 12.1 In our considered view, the Bar Council has exceeded their authority, while exercising their powers to conduct an enquiry under Section 13 of the Welfare Fund Act. Our reasons for holding so, are as follows:

(a) The views of the members of the Bar Council that only one association should be recognized appears to be not only misconceived, but also contrary to the Welfare Fund Rules. Rule 3(4) specifically provides that the Bar Council may recognize, more than one Bar Association at a court centre, for special reasons to be recorded in writing. Neither the Welfare Fund Act, nor the Rules, places any prohibition for recognition of more than one Bar Association in the State of Tamil Nadu or the Union Territory of Puducherry. It is common knowledge that more than one recognized Bar Association exists in several districts of Tamil Nadu. To quote a few such multiple recognitions in one court centre, would include the Madras High Court buildings, the Madurai Bench of the Madras High Court, etc. Thus, the very basis of the resolution adopted by the members of the Bar Council to restrict recognition to only one association in a court centre, is neither founded on any *intelligible differentia* nor is in conformity with Rule 3(4) of



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the Welfare Fund Rules.

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(b) The Bar Council appears to have conducted a thorough enquiry touching upon the total strength of the members of the third respondent Association, with a comparison of the strength of the women advocates therein, and by taking into account of the views of its members in general, and the women advocates, in particular, had come to a conclusion that only very few of its members were willing to start the new association, and therefore had resolved to reject the application. Such a decision, however, is not in conformity with either the Welfare Fund Act or its Rules. The Act does not prescribe any minimum requirement of the number of advocates for the purpose of constituting an association of advocates under Section 13. Rule 2(b) and 2(c) define an 'Advocates' Association' and 'Bar Association' to mean an association of advocates recognized and registered by the Bar Council under Section 13. While that being so, we fail to understand as to how the Bar Council could assume authority to enquire into the number of women advocates willing to form an association and reject their claim on the views of a few women advocates to form an Association as a disentitlement



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to claim recognition / registration.

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(c) The Bar Council has also exceeded its authority in taking the views of the third respondent Association during the course of its inspection and enquiry. Such a consultation is not provided for under the Welfare Fund Act or its Rules. A Co-ordinate Bench of this Court, in the case of ***Madras High Court Advocates' Association vs. The Secretary of the Bar Council of Tamilnadu***, reported in [2015 (4) CTC 524], while dealing with the issue of recognition of the Advocates' Association, had held as follows:

"37.

..... *Strictly speaking, the Act does not contemplate the situation where the Bar Council is obliged to take into account the views of the other recognized Associations operating in that area which are already in existence, before considering the Application for the grant of recognition to a newly formed Association."*

12.2 We also do not find any rationale behind the decision of the Bar Council to consult the disgruntled association, which had not approved the



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decision of certain women advocates who had resigned from that association and formed a separate one. In the absence of any specific provision obligating the Bar Council to consult the rival association, we do not approve the procedure adopted by them during the course of the enquiry.

12.3 We also do not approve the Bar Council's exercise of its authority during the course of the enquiry under Section 13(3) of the Welfare Fund Act. Section 13(2) prescribes the mode in which an application for recognition and registration should be made. As per this provision, every application should be accompanied by (i) the Rules or By laws of the Association; (ii) the names and addresses of the Office Bearers of the Association; and (iii) an up-to-date list of the members of the Association showing their names, addresses, ages and dates of enrolment, and their ordinary places of practice. Whenever the Bar Council receives an application from any association for its recognition and registration, it may conduct an enquiry for the limited purpose of ascertaining whether the prerequisites of the application, as provided for under Sub Section (2), have been satisfied. In other words, the nature of the enquiry to be conducted by



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the Bar Council under Section 13(3) should be limited to verification of the essential requirements of Sub-Section (2) namely, the by-laws of the association, its objects, the list of Office Bearers, the details of the members of the association, and their places of practice. The enquiry contemplated under Sub Section (3) cannot exceed to other irrelevant facts outside the scope of Sub Section (2). In *MHAA's case (supra)*, the Co-ordinate Bench had also similarly remarked on this aspect as follows:

"37.

..... *The nature of the enquiry to be conducted by Bar Council under Section 13(3) would include only an enquiry into the provisions of Bye-laws of the Association seeking recognition, the objects for which the Association was formed, the List of Members of the Association and various other aspects."*

12.4 Thus, when the Welfare Fund Act prescribes the mode in which an enquiry requires to be conducted on an application by an association seeking recognition / registration, all other irrelevant facts discovered by the Bar Council, through its enquiry, was not only unwarranted, but also against the scope of Section 13 of the Welfare Fund Act.



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WEB COPY 12.5 The learned counsel for the third respondent Association made a faint attempt to discredit the facts put forth by the petitioner to establish their entitlement for recognition / registration. As recorded earlier, the third respondent Association has no role in the exercise to be adopted by the Bar Council while dealing with such an application. Further, there is no statutory prohibition against the recognition of more than one association by the Bar Council. Thus, the statistics of membership of either the third respondent Association or the petitioner Association is of no consequence for deciding the matter in hand.

12.6 In the result, the impugned resolution dated 18.10.2023 made in Resolution No.664/2023 is quashed. Consequently, there shall be a direction to the Bar Council of Tamil Nadu and Puducherry / first respondent to reconsider the petitioner's application, dated 24.03.2023, strictly confining its consideration to the verification of (i) whether the by laws of the association have been framed ? ; (ii) the names and addresses of the Office Bearers of the association; (iii) the up-to-date list of members of the



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association along with their particulars; and (iv) the ordinary place of

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practice of such members are contained therein. If the application contains all these particulars as mandated under Section 13(2) of the Welfare Fund Act, the Bar Council shall forthwith grant recognition and registration to the petitioner's Association. The entire exercise shall be completed within a period of fifteen (15) days from the date of receipt of a copy of this order.

13. Accordingly, this Writ Petition stands allowed. No Costs.

[M.S.R., J] [V.L.N., J]

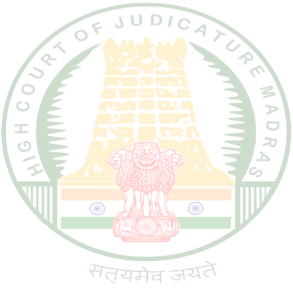
29.08.2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No
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To

1.The Secretary,
Bar Council of Tamil Nadu & Puducherry,
High Court Campus,
Chennai-600 104

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and
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Anu

2.The Registrar General of
Madras High Court, Chennai

3.The Nilgiris District Bar Association,
Nilgiris

4.The Public Prosecutor,
High Court, Madras.

Pre-delivery order in
W.P.No.6176 of 2025

29.08.2025