



2026:KER:23107

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

&

THE HONOURABLE MR. JUSTICE P. KRISHNA KUMAR

MONDAY, THE 16TH DAY OF MARCH 2026 / 25TH PHALGUNA, 1947

WA NO. 362 OF 2026

AGAINST THE JUDGMENT DATED 20.01.2026 IN WP(C) NO.302 OF

2026 OF HIGH COURT OF KERALA

APPELLANT:

ADV, SANGEETHA LAKSHMANA

AGED 56 YEARS

KHCAA MEMBERSHIP NO: LD 2266 ENROLMENT NO.:

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(RESIDING AT 8216; NANMA', 8-B, LINK MANOR, BEHIND
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COCHIN, PIN - 682018

BY ADV ADV, SANGEETHA LAKSHMANA (PARTY-IN-PERSON)

RESPONDENTS:

- 1 REGISTRAR GENERAL
HIGH COURT OF KERALA COCHIN, PIN - 682031
- 2 ADV. A. A. MOHAMMED NAZIR
RETURNING OFFICER, KHCAA ELECTIONS 2026, KHCAA
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- 3 KERALA HIGH COURT ADVOCATES' ASSOCIATION (KHCAA)
REG. NO. ER 931/2004, FIRST FLOOR, HIGH COURT
BUILDING, COCHIN, REPRESENTED BY ITS SECRETARY.



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- 4 THE EXECUTIVE COMMITTEE 2025
KERALA HIGH COURT ADVOCATES' ASSOCIATION, KHCAA
OFFICE, FIRST FLOOR-HIGH COURT BUILDING, COCHIN,
PIN - 682031
- 5 THE EXECUTIVE COMMITTEE 2026
KERALA HIGH COURT ADVOCATES' ASSOCIATION, KHCAA
OFFICE, FIRST FLOOR-HIGH COURT BUILDING, COCHIN,
PIN - 682031

BY ADV SHRI.HARIKUMAR G. (GOPINATHAN NAIR)

THIS WRIT APPEAL HAVING COME UP FOR HEARING ON 16.03.2026,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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SATHISH NINAN & P. KRISHNA KUMAR, JJ.

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Dated this the 16th day of March, 2026

JUDGMENT

Sathish Ninan, J.

Is a writ petition maintainable against the Kerala High Court Advocates' Association (herein after referred to as "the Association"), challenging the election held to its Executive Committee? The learned Single Judge held in the negative. The petitioner is in appeal.

2. The Association is a society registered under the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955. Election to the Executive Committee of the Association for the year 2026 was held on 16.12.2025. The petitioner is a member of the Association. She had intended to contest the election in question. The writ petition was filed alleging that the election was held violating the prescribed procedures. The violations relate to publication of voters' list, both draft and final,



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failure to conduct election by secret ballot, etc. The learned Single Judge held that the Association is not amenable to writ jurisdiction, and accordingly dismissed the writ petition in limine.

3. The petitioner appeared as party-in-person and challenged the finding of the learned Single Judge. Placing reliance upon few interlocutory orders of the Hon'ble Apex Court and judgments of various High Courts, including this Court, the petitioner contended that the writ petition against the Association is maintainable and that the petition ought to have been entertained and considered on merits. The precedents relied on by the petitioner shall be adverted to by us in due course.

4. To hold against the maintainability of the writ petition, the learned Single Judge relied on the judgments in *Secretary Alipore Bar Association v. Subir Sengupta and Ors.* [2024 SCC OnLine Cal 3597], *Vipin Kumar Sharma v. The Returning Officer NDBA Elections* [2026 SCC OnLine Del 311], *Arghya Kumar Nath v. Prof.D.S. Rawat and Ors.* [2014 SCC OnLine Del 4622] and *Rajghor Ranjhan Jayantilal*



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v. Election Scrutiny Committee of Bombay Bar Association and Anr. [2024 (4) Mah LJ 288]. Firstly, we proceed to refer to the said judgments.

5. ***Secretary Alipore Bar Association*** (supra) case related to the election to the Alipore Bar Association. Therein, the Calcutta High Court considered the question of maintainability, *in extenso*. After referring to the various judgments of the Apex Court, it was held thus;

“..... we feel constrained to hold here that the Alipore Bar Association being not a state “other authority” or “agency or instrumentality” of the state within the meaning of Article 12 and “authority or person” discharging public function within the meaning of Article 226, writ against Alipore Bar Association that too in the matter of election to the Bar Association is not maintainable. In other words Alipore Bar Association is not amenable to the writ jurisdiction of this Court.”

It was held that the writ petition challenging the election to the Association is not maintainable.

6. ***Vipin Kumar Sharma*** (supra) was again a case where election to a Bar Association was under challenge in a writ petition under Article 226. The Delhi High Court held thus;

“With respect to the disputes regarding the conduct of elections, it is a settled position of law that such disputes ought to be raised and



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adjudicated in an Election Petition/civil suit, and not by filing a petition under Article 226 of the Constitution. There is no gainsaying that all the alleged discrepancies as pointed out in the writ petition, are disputed questions of facts, and their veracity can only be tested in duly constituted proceedings, in accordance with law, upon leading of evidence.”

The Court though held that certain functions pertaining to Bar Association can have a public character, however it cannot extend to resolution of a purely election dispute within the Association, which does not have any public character.

7. In *Arghya Kumar Nath* (supra), it was held that a writ against private authorities discharging public functions could be maintained if the action challenged is one done in discharge of public function. It was also held that the election to Bar Associations is purely a matter of internal management and the public law remedy under Article 226 of the Constitution, is not available. It was held thus;

“13. A writ lies where performance of a public or statutory duty is involved. Writs can also be issued against private authorities discharging public functions, provided the decision sought to be challenged or enforced is in discharge of a public function.

14. Consequently, elections of bar association/society/trade union/college



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union is a matter of internal management, which does not entitle the aggrieved party to a public remedy like a writ petition under Article 226 of the Constitution.”

8. In ***Rajghor Ranjhan Jayantilal*** (supra), refusing to entertain the writ petition which was filed challenging the election to the Association, it was held;

“..... Election itself is a creature of the statute. Such elections are held according to the Rules and Regulations. If the petitioner has any grievance regarding the same, certainly the remedy for the petitioner cannot be to invoke the writ jurisdiction of this Court.”

9. The decisions as above are categoric that a writ petition under Article 226 of the Constitution cannot be maintained against an Association challenging the elections to its Committee, it being purely a matter of internal management.

10. Now, we proceed to consider the precedents relied on by the petitioner. Reliance is placed on the orders of the Apex Court (4 in number) in ***A. Mohandoss v. The Registrar General & ors. [SLP (C) No. 3950/2024]*** wherein directions sought are against various Advocates Associations to contend that Associations are amenable to writ jurisdiction. As is



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evident from the orders, the issue therein relates to laying down of guidelines for strengthening and enhancing the status of Bar Associations throughout the country and for streamlining its overall functioning.

11. In *E. Shanavas Khan v. The Kollam Bar Association and Ors [WP(C). No. 39539 of 2024]*, the challenge was against the legality of the composition of the Internal Complaints Committee constituted by a Bar Association under the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and an enquiry conducted by the said Committee. The writ petition was held to be maintainable.

12. *Jose Kuttiyani v. High Court Advocates Association [2004 (1) KLT 35]*, held the writ petition filed against the Association to be maintainable. Therein it was observed that the suspension of a member deprived him of the statutory benefits under the Advocates Welfare Fund Act.

13. *Kerala High Court Advocates' Association and another v. State of Kerala and Ors [2017 (5) KHC 699]* was by the Association against



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the Government, and the issue related to the liability for electricity charges for the premises occupied by the Association.

14. In *Chandrakant v. Karnataka state Bar Council [2020 SCC OnLine Kar 5403]* a writ petition challenging the election to the Bar Association was held to be maintainable on the premise that, the Advocates, who are the members of the Association, are the officers of the Court, who assist in the justice delivery system and that the Association is answerable to the Court with regard to their conduct and discharge of their professional duties. We have our reservations to the same and the reasons are being expressed after adverting to the other precedents also.

15. In *Lalit Sharma and Ors. v. Union of India and Ors, [2024 SCC OnLine Del 1901]*, the writ petition against the Union of India, Bar Council of India and various Bar Associations the issue involved was of vital public importance as to whether the elections to the Executive Committees of various Bar Associations in Delhi should be held simultaneously and



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whether the tenure of such Committees should be for a uniform period etc. The question of maintainability of the writ petition was never raised nor considered therein.

16. *Rouse Avenue Bar Association v. The Bar Council of Delhi and Anr. [2024 SCC OnLine Del 2714]*, was a case where the right of an Advocates Association to be recognised by the State Bar Council for the purpose of availing benefits under the Advocates Welfare Fund Act, 2001 was in issue. There the petitioner was a Bar Association.

17. Incidentally we do also consider it profitable to refer to a few other judgments wherein also the challenge was against the election held in Bar Associations.

18. In *Udit Chandra v. State of U.P. and others [(2012) Supreme (All) 193]*, refusing to entertain a writ petition challenging election in a Bar Association, it was held thus;

“.... the writ Court cannot be the forum for adjudication of the dispute between members and office bearers in connection with internal election.”

19. In *Shri.Abhijeet Appasheb Bacche-Patil v. The Bar Council of Maharashtra and Goa [(2025) Supreme (Online) (Bom) 1808]*, refusing to



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entertain the writ petition challenging the election to the Bar Association, it was held thus;

“Even otherwise, the relationship between the bar association and its members on anything to do with the functioning of the bar association is circumscribed/governed and controlled by the rules of the bar association, to which the members subscribe, when they accept the membership of the bar association. If this be so, merely for the reason that the advocates are governed by the Advocates Act, a relief in a writ petition under Article 226 of the Constitution cannot be granted against the bar association. In our opinion this would be a position too far fetched.”

20. On a review of the orders of the Apex Court and the judgments of various High Courts relied on by the petitioner, it is evident that, except in a case where the action of an authority or a person in question has a public character or is performing a statutory duty, the writ petition under Article 226 of the Constitution would not lie. Dispute relating to election in Association is purely an internal administrative affair and has no public colour or character. We are unable to agree with the judgment of the Karnataka High Court in *Chandrakant v. Karnataka State Bar Council* (supra). To hold so, we find support from the other judgments referred to by us earlier. Further, the challenge



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against an election necessarily involves determination of questions of fact, taking of elaborate evidence through examination of witnesses, etc., and cannot be adjudicated in writ proceedings. The mere fact that the Association is housed in the High Court building and that they are not made liable to pay electricity charges, does not clothe it with the character of a public body or a public office.

21. The above apart, the mere fact that a writ petition could be maintained in a given case, does not necessarily mean that it should be entertained by the Court. That 'maintainability' and 'entertainability' are different concepts and that merely because a writ petition is maintainable the Court is not bound to entertain it, has been reiterated by this Court recently in ***Grids Engineers and Contractors(M/s) v. Union Bank of India [2026 KHC OnLine 1652]***; this Court held,

“Though elementary, it needs to be restated that ‘entertainability’ and ‘maintainability’ of a writ petition are distinct concepts. The fine but real distinction between the two ought not to be lost sight of. The objection as to ‘maintainability’ goes to the root of the matter and if such objection were found to be of substance, the Courts would be rendered incapable of



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even receiving the lis for adjudication. On the other hand, the question of 'entertainability' is entirely within the realm of discretion of the High Courts, writ remedy being discretionary."

When the petitioner has other efficacious remedy and the Court is of the opinion that the matter involves determination of various factual aspects upon elaborate evidence and is not suitable to be resolved in a proceeding under Article 226, discretion is always vested with the Court, not to entertain the writ petition.

22. On the above discussions, we are in agreement with the learned Single Judge in having refused to entertain the writ petition.

The writ appeal is accordingly dismissed. No costs.

Sd/-

**SATHISH NINAN
JUDGE**

Sd/-

**P. KRISHNA KUMAR
JUDGE**

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