



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 20<sup>TH</sup> DAY OF JANUARY 2026 / 30TH POUSHA, 1947

WP(C) NO. 302 OF 2026

PETITIONER:

SANGEETHA LAKSHMANA  
AGED 56 YEARS  
ADV. SANGEETHA LAKSHMANA  
KHCAA MEMBERSHIP NO: LD 2266  
ENROLMENT NO.: K/2960/1999  
EMAIL: SANGITALAXMANA@GMAIL.COM  
PHONE: 98477 94644  
(RESIDING AT 'NANMA', 8-B, LINK MANOR,  
BEHIND AAYAKAR BHAVAN, OLD RAILWAY STATION  
CROSS ROAD, COCHIN, PIN - 682018

BY 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 OFFICE,  
FIRST FLOOR - HIGH COURT BUILDING,  
COCHIN, PIN - 682031  
(KHCAA MEMBERSHIP NO.: LB 425,  
ENROLMENT NO.: K/350/1977)  
PHONE: 94460 55581  
EMAIL: ADVMOHAMMEDNAZIR@YAHOO.COM
- 3 KERALA HIGH COURT ADVOCATES' ASSOCIATION (KHCAA)



REG. NO. ER 931/2004, FIRST FLOOR,  
HIGH COURT BUILDING,  
COCHIN, PIN - 682031  
REPRESENTED BY ITS SECRETARY.  
PHONE: 0484-2394 435  
EMAIL: SECRETARY@KHCAA.COM,

- 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. FOR R1

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 20.01.2026, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

**"C.R."****BECHU KURIAN THOMAS, J.****-----  
W.P.(C) No.302 of 2026  
-----**Dated this the 20<sup>th</sup> day of January, 2026**JUDGMENT**

This writ petition has been filed by the petitioner as a party in person. Amongst the numerous reliefs sought for in this writ petition, the primary prayer is to quash the election notification dated 01.12.2025 issued in connection with the Kerala High Court Advocates' Association Elections 2026. Reliefs are also sought for declaring the final list of voters both ordinary and life members published by the High Court Advocates' Association, to be illegal and consequently, the results of the election held on 16.12.2025 is also assailed.

2. When the writ petition came up for admission, this Court entertained a doubt regarding its maintainability and hence the petitioner was requested to address the Court on the said issue. Though notice in the writ petition was not issued, as the first respondent had already been served and the Standing Counsel was present in Court, he was also permitted to put forth his arguments, if



any, regarding the maintainability of the writ petition.

3. The petitioner, as party in person, as well as Sri. Harikumar G., the learned counsel appearing on behalf of the first respondent were heard. Before referring to the contentions advanced, it is necessary to narrate briefly the issue raised.

4. Petitioner is a member of the Kerala High Court Advocates' Association, (for brevity 'the Association') which is a body registered under the Travancore-Cochin Literary Scientific and Charitable Societies Registration Act, 1955. Being a practicing Advocate before this Court for over 25 years and a long standing member of the Association, petitioner declared her intention to contest the elections for the year 2026 through Ext.P4 letter. Subsequently, after a notice calling for an Annual General Body Meeting was issued, convening the meeting on 27.11.2025, petitioner issued a letter to the President of the Association pointing out numerous violations, including absence of publication of final voters list or a draft voters list as well as other issues. Petitioner alleges that a few minutes prior to the Annual General Body Meeting, a draft voters list was published and again on 29.11.2025 another draft voters list was published, she raised objections regarding the repeated and numerous violations in the electoral process. Without giving any response to the objections raised by the petitioner, the Association



proceeded with the elections. Petitioner pleaded that a final list of candidates was published on 10.12.2025 and the election was held on 16.12.2025. The polling and counting was conducted inside the High Court Auditorium. Subsequently, though a representation was submitted by the petitioner to the Registrar General of the High Court, requesting for preservation of the CCTV footage, access logs and all related records, she has not received any reply. On 17.12.2025, the Returning Officer declared the results of the elections. It is thereafter that the petitioner has filed this writ petition.

5. Ms. Sangeetha Lakshmana, the petitioner submitted that the elections were held inside the High Court Auditorium using the infrastructure of the High Court after obtaining permission from the Registrar General of the High Court and hence the elections can be assailed through a writ petition. Relying upon the decisions in **Jose Kuttiyani v. High Court Advocates' Association** (2004 (1) KLT 35), **Kerala High Court Advocates' Association and Another v. State of Kerala and Others** (2017 (4) KLT 1193), **Maharashtra Archery Association v. Rahul Mehra** (2019 KHC 6520) and **Kerala High Court Advocates' Association v. District Registrar (General)** (2020 (1) KHC 255) it was submitted that the Association has been treated as an 'Other Authority' coming within the purview of the writ



jurisdiction of this Court. It was also submitted that the Association being an integral part of the judicial infrastructure essential for the administration of justice, it has to be treated as an authority amenable to the writ jurisdiction of this Court. According to the petitioner, the Supreme Court is in seisin of a special leave petition as SLP No.3950/2025, which has been entertained with the avowed object of strengthening and enhancing the institutional strength of Bar Associations throughout the country which itself indicates that the Bar Associations are amenable to the writ jurisdiction of the constitutional courts. Petitioner contended that gross illegalities have been committed in the matter of preparing the voters list and consequently the conduct of elections and therefore unless this Court interferes, serious prejudice will be caused. Relying on the instances of the President of the Association being a speaker at the Full Court References, Swearing-in ceremonies of Hon'ble Judges and Farewell References, apart from hoisting the National Flag on Independence Day with the Chief Justice by his side, it was submitted that the posts in the Association are not private posts within a voluntary society, but institutional positions and its functions are intricately linked to the life of the High Court. The petitioner submitted that all the above functions also indicate that the Association forms part of the constitutional and administrative fabric of



the High Court and therefore the writ petition is maintainable.

6. Sri. Harikumar G., the learned counsel appearing on behalf of the High Court of Kerala submitted that the writ courts ought not exercise its jurisdiction when election disputes are raised before it. Relying upon the judgment of the High Court of Calcutta in **Secretary Alipore Bar Association vs. Subeer Sen Gupta and Others** (MANU/WB/0824/2024), it was canvassed that the writ petition is not maintainable before this Court. It was also submitted that neither the High Court Bar Association nor any Bar Association can be said to be discharging any public function and cannot be amenable to the writ jurisdiction of the High Court, especially in connection with the election. The learned counsel submitted that any person dissatisfied with the election results or desiring to raise an election dispute ought to take recourse to the civil remedy available under law. The learned counsel also referred to a recent decision of the High Court of Delhi in **Vipin Kumar Sharma v. Returning Officer, NDBA Elections** [2020 SCC Online Del 31] and submitted that an election dispute challenging the results of an election cannot partake any public character and is a purely private dispute and therefore the writ petition is not maintainable.

7. I have considered the rival submissions.



8. The question that requires determination at this juncture is whether the Kerala High Court Advocates' Association is amenable to the writ jurisdiction of this High Court under Article 226 of Constitution of India and also whether the elections to the said Association can be called in question in a writ petition.

9. The Association, as is evident from its memorandum produced as Ext.P17, is registered under the Travancore-Cochin Literary, Scientific, and Charitable Societies Act, 1955 and is formed with various objectives, all related to its members who are Advocates, enrolled on the rolls maintained by the Bar Council of India. It contains three categories of members, i.e., Honourary members, Life members and Ordinary members. The Association is managed by an executive committee consisting of the President, two Vice-Presidents, a Secretary, Treasurer, and seven members who are to be elected from amongst the members by a secret ballot to be conducted before the 31<sup>st</sup> December of every year. Other than dealing with its members, the Association has no public duty. Merely because an association of persons consists of a large number of members, it cannot be regarded as having the character or function of a public authority or even bestowed with a public duty.

10. Under Article 226 of the Constitution of India, the High Court exercises the power of judicial review and can issue writs to any person





or authority. This power of judicial review is the heart and soul of the constitutional scheme of our country. Despite the power to issue prerogative writs being plenary in nature and not limited by any other provisions of the Constitution, still, the High Court has a discretion to entertain or not to entertain a writ petition. Albeit the power of judicial review being a basic structure of the Constitution, the constitutional courts will not entertain a writ petition unless the action challenged pertains to the discharge of a public duty by an authority. The public law remedy under Article 226 will be denied if the action complained of does not involve a public law character. Thus the Court has imposed upon itself certain restrictions in the exercise of this power. Reference to the decisions in **Whirlpool Corporation. v. Registrar of Trade Marks, Mumbai and Others** [(1998) 8 SCC 1] and **Sanjana M. Wig v. Hindustan Petroleum Corporation Ltd** [(2005) 8 SCC 242] would suffice.

11. Though the petitioner pointed out that the President of the Association addresses the Full Court Reference and even hoists the flag on Independence Day at the High Court premises, those are all matters which are not based on any right but are purely permissive in nature. If the President of the Association has hoisted the flag on any ceremonial function and addresses the Court during Full Court References, the



same are only based on permissions and cannot be elevated to the status of a vested right nor can it confer upon the Association, the character of discharging a public duty. Such permissions can be withdrawn at any time and no vested right exists to continue such practices as well. Further, those functions cannot confer on the Association the status of a body vested with a public duty.

12. The decisions relied upon by the petitioner are all writ petitions that dealt with a totally different situation. In **Jose Kuttiyani v. High Court Advocates' Association** (2004 (1) KLT 35) the writ petition against the Association was found to be maintainable as it involved the question relating to the suspension of a member of the Association which in turn disabled him from obtaining the welfare fund under the Kerala Advocates Welfare Fund Act. Thus the factual situation in **Jose Kuttiyani's** case (supra) was on a totally different scenario and the said principle cannot be attracted in the instant case. Again, in the decision in **Kerala High Court Advocates' Association and Another v. State of Kerala and Others** (2017 (4) KLT 1193), the issue related to payment of electricity charges for the area occupied by the Association within the High Court building. The question raised therein was entirely different and in fact the writ petition was filed by the Association as petitioner with no orders sought against the Association.



Similarly, in the decision in **Kerala High Court Advocates' Association v. District Registrar (General)** (2020 (1) KHC 255), the issue related to the refusal of the District Registrar to grant approval to the amendments made to the bye-laws of the Association, which is a society registered with the Registrar of Societies under the Travancore-Cochin Literary Scientific and Charitable Societies Registration Act, 1955. There also, the situation was different.

13. Apart from the above, the decision in **Devanandan M.C. and Others v. Board of Control for Cricket in India (BCCI) and Others** (2022 (7) KHC 48) related to the election to the District Cricket Association following the directions of the Supreme Court in the judgment in **Board of Control for Cricket in India and Others v. Cricket Association of Bihar and Others** [(2018) 9 SCC 624]. The said decisions also revolved around a different set of facts and a parallel cannot be drawn with the instant case.

14. The specific issue regarding whether a Bar Association is amenable to the writ jurisdiction of the High Court has been considered by the Calcutta High Court in **Secretary Alipore Bar Association v. Subeer Sengupta and Others** (MANU/WB/0824/2024). In the said decision, after elaborately considering the various decisions on the point, the High Court concluded that the Alipore Bar Association being



not a State, other authority or agency or an instrumentality of the State, within the meaning of Article 12, or even an authority or person discharging public functions within the meaning of Article 226, a writ petition was not maintainable. Similarly, in the decision in **Vipin Kumar Sharma v. Returning Officer, NDBA Elections** [2020 SCC Online Del 31] the Delhi High Court came to the conclusion that pure election disputes, challenging the results of an election to the Bar Association, cannot have any public character and is purely a private dispute. A distinction was drawn between the disputes relating to Bar Associations having a public character including rules governing its constitutional membership and its role in regulating the conduct of its members which may have a public character.

15. In the decision in **Arghya Kumar Nath v. Prof. D.S. Rawat & Others** (2014 SCC OnLine Del 4622) it was observed by the Delhi High Court that results of elections of bodies such as Bar Associations, which are governed by their own Bye-laws, Rules and Regulations can ordinarily not be challenged by invoking writ jurisdiction which lies primarily for enforcement of public/statutory duties. Similarly, in **Rajghor Ranjhan Jayantilal v. Election Scrutiny Committee of Bombay Bar Association and Another** (2024 SCC OnLine Bom 1118) also it was held that the election results of Bar Associations cannot be



challenged by way of a writ petition and that the appropriate remedy would be to file a civil suit.

16. Apart from the above, in the instant case, the challenge raised is in connection with the elections to the Association. The elections to the Association neither falls within the ambit of a public function of a body nor does it have any public character. The permission granted by the Registrar General of the High Court to conduct the elections inside the High Court Auditorium cannot give the election a public character or enable an aggrieved person to invoke the public law remedy. Election to the Kerala High Court Advocates' Association does not have a public character and cannot be brought within the purview of a public duty. The election to the Association cannot therefore be amenable to the writ jurisdiction of this Court.

17. Over and apart from the above, since the Association is a registered body under the Travancore-Cochin Literary Scientific and Charitable Societies Registration Act, 1955, the writ petition is not maintainable on that ground as well. In the decision in **Anand Joseph v. District Collector and Ex-Officio President of the Ernakulam** [2024 (4) KHC 171] it was held that "It is now indisputable that no writ petition is maintainable against a Society registered under the provisions of the Travancore Cochin, Literary, Scientific and Charitable



Societies Act, 1955.” The said ratio applies to the instant case as well.

18. In view of the above discussion, this Court holds that this writ petition challenging the election process and the elections to the Kerala High Court Advocates’ Association is not maintainable. However, this will not preclude the petitioner from raising her grievances before the appropriate forum.

The writ petition is dismissed with the above observations.

**Sd/-**

**BECHU KURIAN THOMAS  
JUDGE**

vps

APPENDIX OF WP(C) NO. 302 OF 2026

## PETITIONER'S/S' EXHIBITS

- Exhibit P1 TRUE COPY OF THE EXCERPTS IN RULES OF THE HIGH COURT OF KERALA 1971 (AS AMENDED UP TO 11.01.2022), FROM RULE 8 TO RULE 15.
- Exhibit P2 TRUE COPY OF THE ELECTION NOTIFICATION DT. 01.12.2025 ISSUED BY THE SECOND RESPONDENT.
- Exhibit P3 TRUE COPY OF THE NOTIFICATION DT 11.11.2025 ISSUED BY THE FIRST RESPONDENT REGISTRAR GENERAL
- Exhibit P4 TRUE COPY OF THE LETTER DT. 01.11.2025 OF THE PETITIONER ANNOUNCING HER INTENTION TO CONTEST KHCAA ELECTIONS 2026.
- Exhibit P5 TRUE COPY OF THE NOTICE DT. 20.11.2025 PUBLISHED BY THE SECRETARY, KHCAA IN ITS OFFICIAL WHATSAPP NOTICE BOARD ON 26.11.2025 AND THE RELATED SCREENSHOT.
- Exhibit P6 TRUE COPY OF THE WRITTEN REPRESENTATION DT. 27.11.2025 SENT BY THE PETITIONER TO THE PRESIDENT, KHCAA AND OTHERS, AND THE RELATED EMAIL TRANSMISSION DETAILS WITH DATE AND TIME OF DESPATCH.
- Exhibit P7 TRUE COPY OF THE NOTICE DT. 27.11.2025 PUBLISHED BY THE SECRETARY, KHCAA IN ITS OFFICIAL WHATSAPP NOTICE BOARD AND THE RELATED SCREENSHOT SHOWING DELETION OF THE DRAFT VOTERS' LISTS.
- Exhibit P8 TRUE COPY OF THE SCREENSHOT OF THE DRAFT VOTERS' LISTS DT. 29.11.2025 PUBLISHED ON THE OFFICIAL WHATSAPP NOTICE BOARD OF KHCAA.
- Exhibit P9 TRUE COPY OF THE WRITTEN REPRESENTATION DT. 30.11.2025 SENT BY THE PETITIONER TO THE PRESIDENT, KHCAA AND OTHERS, AND THE RELATED EMAIL TRANSMISSION DETAILS WITH DATE AND TIME OF DESPATCH.
- Exhibit P10 TRUE COPY OF THE SCREENSHOTS OF THE FINAL VOTERS' LISTS DT. 01.12.2025, PUBLISHED BY THE THIRD RESPONDENT SUBSEQUENT TO ISSUANCE OF ELECTION NOTIFICATION BY THE



- SECOND RESPONDENT, ON THE OFFICIAL WHATSAPP NOTICE BOARD OF KHCAA.
- Exhibit P11 TRUE COPY OF THE WRITTEN REPRESENTATION DT. 01.12.2025 SENT BY THE PETITIONER TO THE PRESIDENT, KHCAA AND OTHERS, AND THE RELATED EMAIL TRANSMISSION DETAILS WITH DATE AND TIME OF DESPATCH.
- Exhibit P12 TRUE COPY OF THE LETTER DT. 05.12.2025 OF THE PETITIONER INFORMING HER COLLEAGUES ABOUT HER DECISION NOT TO CONTEST IN THE KHCAA ELECTIONS-2026
- Exhibit P13 TRUE COPY OF THE NOTICE DT. 06.12.2025 ISSUED BY THE SECOND RESPONDENT POSTPONING THE 'MEET THE CANDIDATES' PROGRAMME.
- Exhibit P14 TRUE COPY OF THE FINAL LIST OF CANDIDATES DT. 10.12.2025 ISSUED AND PUBLISHED BY THE SECOND RESPONDENT
- Exhibit P15 TRUE COPY OF THE WRITTEN REPRESENTATION DT. 16.12.2025 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT
- Exhibit P16 TRUE COPY OF THE RESULTS OF KHCAA ELECTION 2026 DT. 17.12.2025 PUBLISHED BY THE SECOND RESPONDENT.
- Exhibit P17 TRUE COPY OF THE RULES AND REGULATIONS 1971 AS AMENDED UP TO 19.11.2021, OF KHCAA.
- Exhibit P18 TRUE COPY OF THE CODE OF CONDUCT DT. 13.12.2024 FOR ELECTION-2025 OF KHCAA ISSUED BY THE SECOND RESPONDENT.
- Exhibit P19 TRUE COPY OF THE CODE OF CONDUCT DT. 15.12.2025 FOR ELECTION-2026 OF KHCAA ISSUED BY THE SECOND RESPONDENT.
- Exhibit P20 TRUE COPY OF THE ANNUAL REPORT DT.27.11.2025 OF SECRETARY, KHCAA SUBMITTED AT THE AGM
- Exhibit P21 TRUE COPY OF FINAL LIST OF VOTERS (ORDINARY) DT.01.12.2025 IN KHCAA ELECTIONS-2026 ISSUED AND PUBLISHED BY THE THIRD RESPONDENT
- Exhibit P22 TRUE COPY OF FINAL LIST OF VOTERS (LIFE) DT.01.12.2025 IN KHCAA ELECTIONS-2026 ISSUED AND PUBLISHED BY THE THIRD





**RESPONDENT**

- Exhibit P23** TRUE COPY OF A PUBLIC MESSAGE DT 17.12.2025 ISSUED BY A VOTER IN THE KHCAA ELECTIONS 2025 AND THE RELATED TRANSLATION.
- Exhibit P24** TRUE COPY OF THE UNOFFICIAL COPY OF THE RESULTS BEFORE ANY OFFICIAL DECLARATION OF RESULTS IN KHCAA ELECTIONS-2021.
- Exhibit P25** TRUE COPY OF THE REPLY DT. 28.01.2025, OF THE SECRETARY KHCAA TO THE PETITIONER.
- Exhibit P26** TRUE COPY OF THE COMPARATIVE ANALYTICAL REPORT DT.01.01.2026 PREPARED BY THE PETITIONER
- Exhibit P27** TRUE COPY OF THE MODEL GUIDELINES DT.01.01.2026 PREPARED BY THE PETITIONER.