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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1131/2014**

YASH PAL SAPRA

..... Petitioner

Through: Mr. Mahipal Singh Rajput, Advocate
with petitioner in person.

versus

LAWYERS CHAMBERS ALLOTMENT COMMITTEE

ROHINI COURT COMPLEX AND ANR.

..... Respondents

Through: Mr. V.K. Tandon, Advocate for
respondent No.1.

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Reserved on : 17th February, 2014

Date of Decision : 24th March, 2014

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J:

CM Appl. 2355/2014 (Exemption) in W.P.(C) 1131/2014

Allowed, subject to just exceptions.

Accordingly, present application stands disposed of.

W.P.(C) 1131/2014 & CM Appls. 2354 & 2356/2014

1. Present writ petition has been filed primarily challenging the order dated 22nd January, 2014 passed by respondent No.1- Lawyers Chambers Allotment Committee as well as praying for allotment of a chamber at Rohini Courts complex. The relevant portion of the impugned order dated 22nd January, 2014 reads as under:-

“A further perusal of the legal diaries, copies whereof have been filed by the applicant has not filed the entire legal diaries but has only filed copies of certain pages of the diary of a year..... In the year 2008 also the diary filed is piecemeal. The diary of the year 2009 is also a part diary and only some pages have been xeroxed. The applicant has, however, underlined or encircled the cases of Rohini Court Complex. Straightway coming to the diary for the year 2013, this is also piecemeal and certain pages only have been filed. The pages of the diary are till the month of February, 2013 only. The non-filing of the complete diary and the admission made in the objections as extracted (supra) particular the number of cases at Rohini Court and after perusing the documentary evidence filed by the applicant till date, the Committee is of the opinion that the applicant is not regularly and primarily practicing at Rohini Courts. As such, his representation is not acceded to. The applicant be informed accordingly.”

2. Mr. Mahipal Singh Rajput, learned counsel for the petitioner stated that even though the petitioner fulfilled the criteria of ten cases and fifty appearances at Rohini Courts, he had not been allotted a chamber. He submitted that since the petitioner fulfilled the requirements as mentioned in the application form, he should have been allotted a chamber.
3. According to Mr. Rajput, respondents are estopped from applying a different test or adopting a different criterion. He also stated that respondent No.1 could not prescribe its own unspecific and extraneous consideration to define the word 'primarily practicing'.
4. Mr. Rajput also relied upon a judgment of this Court in ***W.P.(C) 5231/2012 Krishan Dutt Sharma vs. Saket District Court Lawyers Chambers Allotment Committee and Ors.*** wherein it has been held as under:-

"9. Undoubtedly, an advocate who does chamber practice is also practicing the profession of law, but the expression 'practicing advocate' in Rule 4(a) of Rules, 2010 has to be interpreted in the context of the allotment of chambers. In my view, the conditions stipulated in para 19 of the Form gives a purposive and contextual meaning to the expression "primarily practicing at Patiala House Courts Complex". The intent of Rule 4(a) of the Rules, 2010, is to allot chambers to those advocates who appear before the Saket Courts and not to those who do chamber practice like the petitioner. This Court also takes judicial notice of the fact that enough chambers are not available at Saket Courts to accommodate all the lawyers who desire to have a chamber."

5. Mr. Rajput submitted that the petitioner had regularly been practicing in Rohini Courts and was also permanently residing at Mukherjee Nagar, New Delhi, which falls within the jurisdiction of Rohini Courts.

6. He lastly submitted that the petitioner had no chamber in any Court Complex in Delhi and had not been allotted any chamber since the day he was enrolled with the Delhi Bar Council.

7. In order to truly appreciate the issue at hand, Rule 11(b) of Rohini District Courts Lawyers Chamber (Allotment and Occupancy) Rules, 2011 has to be analysed. It reads as under:-

11) The advocates fulfilling all of the following conditions shall be eligible for consideration for allotment of chambers:-

xxxx xxxx xxxx xxxx

b) The advocate must be primarily practicing at the Rohini Court Complex and should be permanent resident of National Capital Territory of Delhi.

(emphasis supplied)

8. The relevant portion of the Form for allotment of chamber reads as under:-

"18.(i) Please submit details of 50 courts appearances during the period w.e.f. 02.01.2006 till 28.02.2013 (Except Retd. Judicial Officers)

(ii) Please submit details of at least ten cases/proceedings in which you have filed the vakalatnama as main counsel in any courts at Rohini Courts till 28.02.2013.

(Except Retd. Judicial Officers)

Sl. No.	Particulars of cases and court	Appeared for	Last Date	Next date
1				
2				
3				
4				
5				

(emphasis supplied)

9. The word 'primarily' means 'principally'. In the opinion of this Court, in the present context, it means 'predominantly' as opposed to occasionally.

10. Filing of vakalatnama in ten cases and fifty appearances at Rohini Court prescribes the minimum benchmark for determining whether an advocate is primarily practicing in Rohini Courts. The said criterion cannot be the sole eligibility criterion. After all, an advocate could have filed vakalatanama in ten cases and appeared in fifty cases in all the district courts of Delhi. But this would not mean that he is primarily practicing in all the district courts. In the opinion of this Court, under the aforesaid rule, one has to determine the court where an advocate's practice is concentrated.

11. This Court is also of the view that the term 'primarily practicing' in Rohini Courts cannot and should not be interpreted in a narrow sense as has been suggested by the petitioner. Consequently, the condition in the

application form is not the sole and exclusive criterion to determine whether one is primarily practicing in Rohini Courts. The form lays down the minimalistic and not exhaustive test.

12. This Court is further of the view that the criterion of 'primarily practicing in Rohini Courts' adopted by respondent No.1 is founded on an intelligible differentia which has a rationale relation to the object sought to be achieved. The respondent No.1 is well within its powers to decide the yardsticks to be adopted in processing an application for allotment of chambers at Rohini Courts Complex.

13. Further, reliance by the petitioner on ***Krishan Dutt Sharma*** (supra) is completely misplaced. The judgment in the aforesaid case was given in the context of an advocate who did chamber practice and did not appear in courts. The Supreme Court in ***Escorts Ltd. vs. Commissioner of Central Excise, Delhi-II, (2004) 8 SCC 335*** and ***State of Orissa vs. Mohd. Illiyas, (2006) 1 SCC 275*** has held that judgments must not be read like a statute but must be considered in a holistic manner and in relation to the facts and circumstances of that particular case. A decision is only an authority for what it actually decides. The relevant portions of the aforesaid judgments are reproduced hereinbelow:-

A. Escorts Ltd. vs. Commissioner of Central Excise, Delhi-II

“8. Courts should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed. Observations of courts are neither to be read as Euclid's theorems nor as provisions of a statute and that too taken out of their context. These observations must be read in the context in which they appear to have been stated. Judgments of courts are not to be construed as statutes. To

interpret words, phrases and provisions of a statute, it may become necessary for Judges to embark into lengthy discussions but the discussion is meant to explain and not to define. Judges interpret statutes, they do not interpret judgments. They interpret words of statutes; their words are not to be interpreted as statutes.”

B. *State of Orissa vs. Mohd. Illiyas,*

*“12. A case is a precedent and binding for what it explicitly decides and no more. The words used by Judges in their judgments are not to be read as if they are words in an Act of Parliament. In *Quinn v. Leathem* [1901 AC 495 : 85 LT 289 : (1900-03) All ER Rep 1 (HL)] the Earl of Halsbury, L.C. observed that every judgment must be read as applicable to the particular facts proved or assumed to be proved, since the generality of the expressions which are found there are not intended to be the exposition of the whole law but governed and qualified by the particular facts of the case in which such expressions are found and a case is only an authority for what it actually decides.”*

14. One must also not forget that in the present case it is a Committee comprising bar and the bench members that has determined whether an advocate is primarily practicing in a particular court or not. On a perusal of the impugned order, it is apparent that the said Committee was of the unanimous opinion that petitioner was not ‘primarily practicing at Rohini Courts.’

15. From the impugned order dated 22nd January, 2014, it is apparent that one of the reasons for rejecting the representation of the petitioner was non-filing of his complete diary. It is pertinent to mention that the petitioner had also refused to produce his diary before this Court.

16. Consequently, the finding of the respondent No.1-Committee warrants no interference in writ proceedings. It can only be rebutted by the petitioner by leading evidence in a civil Court. Thus, the legal submission of the petitioner is untenable in law.

17. However, whether the petitioner is primarily practicing in Rohini Courts or not is a question of fact. The petitioner is given liberty to challenge the factual finding of the respondent No.1-Committee by filing a civil suit.

18. With the aforesaid liberty, present petition and application stand disposed of.

MANMOHAN, J

MARCH 24, 2014

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