

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH.

CWP 21281 of 2016 (O&M)

Date of Decision: March 29, 2017

Parminder Singh Toor

.....Petitioner

Vs.

Bar Council of India and ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.G.N. Malik, Advocate  
for the petitioner.

Mr. Amit Khanna, Advocaet for  
Mr. Amit Khattar, Advocate, for respondent No.1.

Mr. Sanjeev Manrai, Sr. Advocate with  
Mr. Gaurav Talwar, Advocate  
for respondents No.3 and 4.

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**M.M.S. BEDI, J. (ORAL)**

This a petition under Articles 226 and 227 of the Constitution of India challenging the order annexure P-43 passed by Bar Council of Punjab and Haryana, Chandigarh. The same order was challenged by other Advocates by filing CWP No. 11328 of 2016 which has been disposed of vide a separate order of even date.

Counsel for the petitioner has agreed that the grievance of the petitioner along with other aggrieved persons has been adjudicated upon by this Court in CWP No. 11328 of 2016 decided today but he being the earlier Chairman of the Committee constituted for construction of the Chambers of District Bar Association, Mohali, is in actual physical possession of the record and claims that he has immaculately followed the rules and has not misappropriated even a single penny and is ready to handover the record.

The legality of the order dated April 19, 2016 has already been decided by this Court in another writ petition bearing CWP No. 11328 of 2016. The petitioner has made the following prayers in the present writ petition:-

- i) any writ, order or direction especially in the nature of certiorari for quashing the order dated 19.04.2016 (Annexure P-43), passed by respondent No.2 in an illegal and arbitrary manner and without providing any opportunity of hearing to the petitioner
- ii) It is further prayed that respondent No.1 and 2 may kindly be directed to take action against Respondent no 4 for violating the rules and directions given by Respondent No.1 in its order dated 29.11.2015 (annexure P-33).

- iii) It is further prayed that judicial inquiry may kindly be ordered to be conducted in the whole affairs of respondent No.2 as per the facts and circumstances in the writ petition.
- iv) It is further prayed that operation of the impugned order dated 19.04.2016 (annexure P-43) may kindly be stayed during the pendency of the present petition.
- v) Any other order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case may kindly be passed.
- vi) Dispense with the filing of certified and typed copies of Annexures P-1 to P-48.
- vii) Dispense with the service of advance notices to the respondents.
- viii) Award the costs of petition in favour of the petitioners."

I have considered above said prayers made by the petitioner in the present writ petition. Since the entire controversy regarding order dated April 19, 2016 has been taken care of in CWP No. 11328 of 2016, decided today, I do not find any ground to exercise extraordinary jurisdiction under Articles 226/ 227 of the Constitution of India by entering into the disputed question of facts regarding the authority of the petitioner to retain the record

pertaining to the Chambers to be constructed for the members of District Bar Association, Mohali; the amount collected and its utilization; the amount having been fairly spent or same having been improperly utilized and any other disputed questions of fact and law involved in this case.

This petition is thus disposed of in terms of the order of the order of the even date passed in CWP No. 11328 of 2016 without prejudice to the rights of the petitioner to invoke the jurisdiction of the appropriate forum vested with jurisdiction to determine the extent of respective rights of the rival parties. Nothing said in this order will prejudice the rights of the petitioner to avail appropriate remedies for the reliefs claimed for in the present writ petition.

March 29, 2017  
sanjay

(M.M.S.BEDI)  
JUDGE

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|-----------------------------|----------|
| Whether speaking/ reasoned: | Yes/ No. |
| Whether reportable:         | Yes/No.  |