

THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Civil Writ Petition No.11998-2020(O&M)
Date of Order:01.09.2020

Lakshay Khanna

...Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. P.S.Khurana, Advocate,
for the petitioner.

Mr. Shireesh Gupta, Sr. Deputy Advocate General,Punjab
for respondent nos.1 & 4.

Mr. Rajiv Anand, Advocate,
for respondent no.2.

ANIL KSHETARPAL, J.

The petitioner has invoked the writ jurisdiction under Article 226 of the Constitution of India, for issuance of a writ in the nature of mandamus directing respondent no.1 to 4 to allot lawyer's Chamber No.247 after formulating the policy/guidelines/rules.

It has been pleaded in the petition that the petitioner joined the office of Sh. Vijay Arora, Advocate, who was allotted Chamber No.247, in the Judicial Court Complex, Ludhiana. Another Advocate, Sh. Varun Sudan, also used to work with Sh. Vijay Arora. Late Sh. Vijay Arora, Advocate, unfortunately expired on 24.08.2019. The petitioner claims that he is entitled to the allotment of the aforesaid Chamber which is stated to be the property of the District Bar Association, Ludhiana.

It is apparent from the pleadings that another occupant of the Lawyer's chamber No.247, namely, Sh. Varun Sudan, Advocate, has already instituted a civil suit in the Civil Court, Ludhiana for the same/similar relief which is still pending. A copy of the plaint has been annexed by the petitioner with the writ petition as Annexure P-8.

Learned counsel for the petitioner, although, given an opportunity, failed to draw attention of the Court to any rules or policy/instructions entitling the allotment of the lawyer's Chamber No.247, to the petitioner. However, he submitted that the petitioner has a right of consideration as he has already submitted an applications in this regard.

Keeping in view the facts of the case and more particularly, the pendency of the civil suit filed by Sh. Varun Sudan, Advocate, before the Civil Court at Ludhiana, this court is of the considered view that it would be more appropriate for the petitioner to either move an application for becoming a party in the aforesaid pending civil suit or file an independent suit in this regard, if so advised. It would not be appropriate to entertain the writ petition for the relief which is already the subject matter of adjudication before the Civil Court at Ludhiana.

With these observations, the writ petition is disposed of by relegating the petitioner to the alternative remedy.

01st September, 2020
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(ANIL KSHET ARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No