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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C) No. 4506 of 2021

Amar Gurubaxani, Pousari, S/o. Late Kishan Chand Gurubaxani, aged about 55 years, R/o. Street No. 5, Ravi Nagar, Telibandha, Raipur , Tahsil and District Raipur Chhattisgarh.

---- Petitioner

Versus

1. Bar Association Raipur, Through : Secretary , Office at District Court Campus, Raipur, Tahsil and District Raipur Chhattisgarh.
2. Chief Election Officer, Presided by Sudhir Mohan Agarwal.
3. Deepak Diwan, Assistant Election Officer,
4. Sanjay Poptani, Assistant Election Officer,

Office Address of Respondents No.1 to 4 is District Bar Association Building Raipur District Court Campus, Tahsil and District Raipur Chhattisgarh.

5. State Bar Council of Chhattisgarh, Through : Secretary, New High Court Premises, Bilaspur , Bodri, Chhattisgarh 495225.

---- Respondents

For Petitioner : Mr. Hemant Gupta, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/11/2021

1. It is submitted by the learned counsel for the petitioner that the petitioner is practicing as an Advocate, registered with respondent No.5 and also registered with respondent No.1. The respondent No.1 by letter dated 18.06.2019 informed the petitioner that his membership in the Bar Association has been suspended. The petitioner challenged this

decision of the respondent No.1 in W.P.(C) No.2336 of 2019, in which this Court by order dated 18.07.2019, allowed the application for interim relief and stayed the effect and operation of the order dated 18.06.2019 of the respondent No.1. Therefore, on the basis of this stay order, the decision of the respondent No.1 dated 18.06.2019 is not in force. Hence, the petitioner has all the rights to participate in the election of the Bar Association. The election of the Bar Association Raipur have been notified, therefore, the petitioner filed an application to deposit the annual fees of the Bar Association, but the respondent No.1 is not receiving the fees and for this reason, this petitioner has apprehension that he may not be allowed to cast his vote in the election. Hence, it is prayed that relief be granted to the petitioner.

2. Considered on the submissions. Considering that the order dated 18.07.2019, passed in W.P.(C) No.2336 of 2019 is still in force because of which, the order of suspension passed by the respondent No.1 has not been given effect to, therefore, the petitioner has all the entitlement, which may be available to any other member of the Bar Association. The respondent No.1 and 2 are directed to take decision on or before 16.11.2021 to consider and decide the eligibility of the petitioner to cast vote in the election.
3. With these observation, this petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge