



222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-28025-2023(O&M)
Date of decision: 20.08.2024

District Bar Association, SAS Nagar
and others

...Petitioners

Vs.

Bar Council of Punjab and Haryana
and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Pankaj Maini, Advocate for
Mr. ADS Jattana, Advocate
for the petitioner alongwith petitioner No.2-in person.

Mr. Ravinder Malik(Ravi), Advocate
for respondents No. 1 and 2.

Mr. Surjit Singh Swaich, Advocate
Mr. Pritpal Singh Swaich, Advocate and
Mr. S.S. Sandhu, Advocate
for respondent No.3.

Mr. H.S. Baath, Advocate
for respondent No.4.

SHEEL NAGU, CHIEF JUSTICE, (ORAL)

1. This present petition has been filed by the District Bar Association, SAS Nagar, Mohali through Sh. Parminder Singh Toor, erstwhile President of the District Bar Association and Sh. Harbhinder Singh, Returning Officer nominated by the District Bar Association seeking direction to hold elections.

2. It is unfortunate to note that despite expiry of tenure of the last elected body on 15.12.2023, no fresh elections have been held till date. It is a matter of concern that this Court has to interfere in a case where the dispute has



arisen on the issue of preparation of the voter list of valid members of the petitioner No.1-Association.

3. We have been apprised by the learned counsel for the rival parties about the provisions of Bar Association (Constitution and Registration) Rules, 2015, framed by the Bar Council of Punjab and Haryana, Chandigarh which stipulate detailed procedure in Rule 6 for preparation of electoral rolls of members, calling for the objections and finalizing the same within a prescribed time-line. Rule 9 of the said Rules, further provides that the tenure of the elected body shall be one year, which in extraordinary circumstances can continue for another month, with the prior approval of the Bar Council, for reasons to be recorded in writing. It further provides that the Bar Association will hold election before the completion of the extended time (12 months + 01 month), failing which, the administration of the Association will vest in *ad hoc* committee duly nominated by the Bar Council who will hold elections at the earliest, preferably within a period of one month.

4. Despite the aforesaid provision impliedly providing that the Bar Association ought to be represented by a democratically elected body, the Bar Association of SAS Nagar, Mohali is being managed by the SDM, Mohali, since last about 08 months by virtue of judicial order passed by this Court.

5. In view of above, it would be appropriate if elections to the Bar Association are held at the earliest in terms of the aforesaid Rules to restore democratic semblance.

6. Accordingly, instead of keeping this petition pending any further, the same is disposed of with the following directions:-



- (i) The Bar Council, Punjab and Haryana shall nominate one of its office bearers to supervise the conduction of election to the Bar Association, SAS Nagar, Mohali.
- (ii) The preparation of the voter list, inviting objections and finalization of the voter list shall be held in accordance with the provision of Rule 6 of the 2015 Rules under the supervision of the nominated office bearers of Bar Council.
- (iii) After finalization of voter list, the election programme shall be declared and the same shall be concluded within 60 days thereafter.
- (iv) In view of the affidavit dated 29.01.2024 filed by the SDM, Mohali, the records which are in possession of the SDM, Mohali, (as per the tabulated information running from page 2 to 6 of the affidavit) shall be handed over to the office bearers, nominated for holding election by the Bar Council, within a period of one week, from today.
- (v) It is made clear that the period of 60 days shall commence from the date the aforesaid record is handed over by the SDM, Mohali to the office bearers of the Bar Council so nominated for the purpose.

7. Learned counsel for respondent No.4-Snehpreet Singh assures that if there is any record of the Bar Association in his possession, the same shall be handed over to the nominee of the Bar Council, within a week from today.

8. All the pending miscellaneous applications, including CM-251-2024 stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

20.08.2024
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No