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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8911/2024 & CM APPLs. 36379-36380/2024**
RAKESH SHERAWATPetitioner

Through: Mr. Mohit Mathur, Senior Advocate
with Mr. Surya Prakash Kathri, Mr.
Ankit Singh, Mr. Irfan Firdous, Mr.
Mayank, Sharma, Ms. Aleena, Mr.
Suraj, Mr. Arafat, Mr. Monish Ali
Khan and Mr. Ravi Chaudhary,
Advocates.

versus

CHAIRMAN, CHAMBER ALLOTMENT COMMITTEE & ANR.
.....Respondents
Through: Mr. Satyakam, ASC for GNCTD.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
03.07.2024

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1. The present petition seeks directions to, *inter alia*, restrain the Chamber Allotment Committee, Saket Courts, from taking possession of Chamber No. 155, Saket District Court Complex, which is allotted in favour of the Petitioner.
2. Mr. Mohit Mathur, Senior Counsel, has presented the following facts and contentions on behalf of the Petitioner:
 - 2.1. The Petitioner, Mr. Rakesh Sherawat, is a practising advocate and an elected member of the Bar Council of Delhi having a chamber allotted at Saket District Court. His father, late Sh. Balbir Singh Sherawat, was also a



practising advocate and former Chairman of the Bar Council of Delhi.

2.2. Late Sh. B.S. Sherawat was allotted half portion of Chamber No. 171, Lawyer's Block-II, Delhi High Court, through letter dated 12th May, 2004. Thereafter, pursuant to a representation made by late Sh. B.S. Sherawat on 25th July, 2008, the Chamber Allotment Committee of the Delhi High Court added the name of the Petitioner as a joint allottee of the half portion of the aforementioned chamber *vide* communication dated 23rd September, 2009.

2.3. Thereafter, subsequent to the demise of late Sh. B.S. Sherawat, Sh. Sheen Sherawat – grandson of Sh. B.S. Sherawat and nephew of the Petitioner – was added as joint allottee of 1/4th portion, along with the Petitioner, of the Chamber No. 171 on 8th April, 2019. Pertinently, the Petitioner had submitted his no objection/ surrender certificate along with Sh. Sheen Sherawat's application for allotment.

2.4. On 21st February, 2024, a complaint was filed before the Respondent No. 1 alleging that the Petitioner was holding a chamber at two places, i.e., the Saket District Court and the Delhi High Court. Accordingly, a show cause notice dated 6th March, 2024 was issued to the Petitioner, who sought time to respond thereto.

2.5. On 22nd March, 2024, the Petitioner made a representation before the administrative side of this Court for surrender/ release of 1/4th share in chamber no. 171, Block-II, Delhi High Court, New Delhi in favour of Sh. Sheen Sherawat so that he could retain the allotment of Chamber No. 155, Lawyers Chamber Block, Saket Court, New Delhi. The said representation is still pending. In the meantime, the Petitioner received information that the Respondent No. 1, without waiting for the Petitioner's response, had proceeded with the complaint and prepared a note of taking possession of



the Petitioner's chamber at Saket District Court. In such circumstances, apprehending that he would be dispossessed of his allotted chamber, the Petitioner has approached the Court through the present writ petition.

3. In response, Mr. Satyakam, ASC representing the Respondents, contends that the present writ petition is not maintainable and has been prematurely filed. He states that the matter is only at the show cause stage and the Petitioner will be afforded full opportunity to put forth his case before any final decision is taken.

4. In light of this statement made by Mr. Satyakam, in the opinion of the Court, at the first instance, that the Petitioner should first make a representation before the concerned authority before approaching the Court. Nonetheless, it is made clear that till the time the final decision is taken by the Respondents, the Petitioner shall not be evicted from the chamber allotted to him at Saket District Court Complex.

5. In light of the above, the following directions are issued:

5.1. The Petitioner is permitted to submit his reply/ representation in response to the show cause notice dated 6th March, 2024 within a period of three weeks from today.

5.2. The Respondents shall consider the same and pass a speaking order thereon within a period of eight weeks thereafter.

5.3. Till the time the decision is taken, the Petitioner shall not be evicted from Chamber No. 155, Lawyers Chamber Block, Saket Court, New Delhi.

6. Needless to say, the Court has not examined the merits of the case and all rights and contentions of the parties are left open. The Respondents shall consider the representation and decide the same in



accordance with law.

7. In case the decision is rendered against the Petitioner, he shall be at liberty to avail all remedies as are available to him in accordance with law.

8. With the above directions, the petition is disposed of.

SANJEEV NARULA, J

JULY 3, 2024
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