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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **LPA 564/2024 and CM APPLs.37938-39/2024**

PARIKSHIT MAHIPAL

..... Appellant

Through: Mr. Parikshit Mahipal (in person)

versus

THE LAWYERS CHAMBERS ALLOTMENT COMMITTEE & ANR

..... Respondents

Through: None.

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Date of Decision: 9th July, 2024**CORAM:****HON'BLE THE ACTING CHIEF JUSTICE****HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****J U D G M E N T****MANMOHAN, ACJ : (ORAL)**

1. Present appeal has been filed under clause 10 of the Letters Patent Act seeking quashing and setting aside of Order/Judgment dated 27th May, 2024 passed in WP (C) No. 9192/2019 whereby the learned Single Judge dismissed the petition on the ground that the Lawyers Chambers Allotment Committee (hereinafter referred to as "*Allotment Committee*") had considered all the relevant documents before coming to the conclusion that the application seeking allotment of Chamber merits rejection.

2. The appellant states that he was enrolled as an Advocate since 27th October, 2007, having the Enrolment No. D-1770/2007 issued by Delhi Bar Council and is the member of Rohini Court Bar Association i.e.,

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respondent No.1 since 22nd April, 2008 vide membership no. P-320 and is practicing lawyer at District Courts and High Court of Delhi. The appellant, who appears in person, submits that in respect of allotment of Chambers in the Rohini Courts Complex, the Rohini Court Bar Association had invited applications for allotment of Chambers on 12th April, 2013. Consequent upon the applications filed by various Advocates, on 28th October, 2013, the respondents had published a list of applicants seeking allotment of lawyers' chambers as per seniority. The appellant's name is stated to be appearing at Serial No. 1422 of the Seniority List. After completion of formalities, the appellant appeared before the Allotment Committee. He submits that on 28th November 2013, the Allotment Committee published a list of 830 eligible Advocates and the appellant's name did not appear in such list. Being aggrieved, the appellant had filed W.P.(C) 7899/2013 before this Court.

3. He submits that the said writ petition was disposed of by the learned Single Judge on 13th December, 2013 with a direction that the writ petition would be treated as an objection/representation and the Allotment Committee would take a decision within four weeks. The appellant was permitted to challenge the said decision in case he is aggrieved by it. By the decision dated 3rd February, 2014, the Allotment Committee had rejected his representation. Subsequently, the appellant states to have made numerous representations to the Allotment Committee seeking allotment of Chamber, all of which were in vain. The appellant submits that in pursuance of the order dated 12th May, 2016 passed by the Division Bench in LPA No. 408/2014 *Ashok Kumar vs. Hon'ble District Judge, Rohini*



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District Courts, permitting the applicants to furnish details of the number of Court appearances as well as of the case proceedings where *Vakalatnama* has been filed by the main counsel as per Clause 18 of the application, the appellant also filed a fresh representation dated 8th March 2017 *vide* Diary No. 839. He submits that alongwith the said representation, documents in the nature of *Goshwara* Register and Original Files Destroyed Certificates were submitted. The appellant submits that even this representation was rejected *vide* communication dated 11th July 2017 issued by the Allotment Committee.

4. Mr. Parikshit Mahipal, appellant in person, submits that the communication dated 11th July, 2017 was challenged by him by way of a writ petition bearing W.P.(C) No. 8265/2017. This writ petition was disposed of by the learned Single Judge of this Court *vide* order dated 24th May, 2018 with the direction that the Allotment Committee would re-visit the issue and examine the documents filed alongwith the appellant's representation dated 8th March, 2017. The Allotment Committee was also directed to grant personal hearing to the appellant.

5. The appellant submits that *vide* the rejection order/letter dated 22nd July, 2019, the Allotment Committee had rejected the representation of the appellant. Challenging the same, the appellant had filed a writ bearing W.P.(C) No. 9192/2019 before this Court. The said writ petition was dismissed by the learned Single Judge of this Court *vide* the impugned judgment dated 27th May, 2024. The present LPA has been filed challenging the impugned judgment.



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6. Mr. Parikshit Mahipal, appellant in person, contends that the learned Single Judge overlooked a relevant aspect, in that, the contention of the appellant that despite the observations made by the learned Single Judge in the judgment dated 24th May, 2018, the learned Single Judge in the impugned judgment overlooked and did not consider those pertinent observations.

7. He also submits that the Allotment Committee also committed a gross error and illegality in not considering the *Goshwara* Register and Original Files Destroyed Certificates. According to Mr. Mahipal, these documents which were already placed before the Allotment Committee as also the learned Single Judge clearly indicate that the appellant had been practicing in the Rohini District Courts apart from also evidencing his appearances before such Courts. He submits that the period of his practice covered by the *Goshwara* Register and Original Files Destroyed Certificates, were documentary proof of his continuous practice in the Rohini District Courts and even if he was unable to produce the certified copies of the *Vakalatnama* and the case proceedings of that period, it should be read in his favour. He supplements the same by contending that the destruction of old files, by whatever nature, is not his fault and cannot be held against him to his detriment.

8. He also contends that the rejection of his representation by the Allotment Committee and dismissal of his writ petition by the learned Single Judge vide the impugned order is contrary to the overwhelming documents on record evidencing his continuous practice from the year 2007 in the Rohini District Courts. Additionally he submits that the



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Allotment Committee committed a grave illegality in not following the directions passed by learned Single Judge in the judgment dated 24th May, 2018.

9. We have heard the appellant in person, who has taken us through the impugned judgment as also the various documents filed on record.

10. It is pertinent to note that according to the Rohini District Courts Lawyers Chambers (Allotment and Occupancy) Rules, 2011, the Allotment Committee shall comprise the District Judge (North West) who shall be the Chairperson of the Committee, Senior most Additional District and Sessions Judge and any such Judicial Officer(s) posted at Rohini District Courts as District Judge (North West) may be deemed fit. The President and the Hony. Secretary of the Rohini District Court Bar Association also were to be the members of the said Committee. According to the Rules, the District Judge (North West) was empowered to induct any person or representative of any Institution or Agency in the Committee as and when considered necessary for a specific purpose. The Rules also stipulated that the decision of the Allotment Committee would be taken by way of general consensus or by common majority, but stipulates that in case of any difference of opinion, the decision of the District Judge (North West) shall be final. We have examined the Rules only to satisfy the conscious of this Court that the Allotment Committee consists of independent authorities who would be impartial and unbiased while considering applications for allotment of Chambers. That apart, from a perusal of the contents of the writ petition as also the present appeal, we find that the appellant has not



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alleged bias or impartiality *qua* the members of the Allotment Committee, and rightly so.

11. A perusal of the impugned judgment indicates that the learned Single Judge has meticulously examined not only the documents placed before him but also the affidavits and additional affidavits filed on record by the Administrative Civil Judge-ARC, North West District, Rohini District Courts, wherein the entire details of the Allotment Committee's consideration was rendered *in extenso*.

12. We find that the Administrative Civil Judge, whose affidavit was filed before the learned Single Judge, had given details of the consideration of the documents of the appellant alongwith the reasoning on the basis whereof his application for allotment of Chamber was rejected. The said additional affidavit also indicated the re-visiting and re-consideration of the documents filed by the appellant, namely, *Goshwara* Register and Original Files Destroyed Certificates, by the Allotment Committee, in compliance with the order dated 24th May, 2018, passed by this Court in W.P.(C) 8265/2017. We find from a reading of the said affidavit that the Allotment Committee after scrutinizing the said documents were unable to conclude the continuity of the practice of the appellant before the Rohini District Courts. This is rightly so because the said documents do not give any indication as to whether the appellant had filed his *Vakalatnama* in such cases nor do they indicate the case proceeding sheet to evidence the appellant's presence as a counsel for any of the parties whose names or case number were reflected therein. In the absence of relevant documents, clearly evidencing the appellant's continuous practice, it would be well



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nigh impossible even for this Court to conclude affirmatively the continuity of practice of appellant before the Rohini District Courts.

13. In order to bring clarity to the aforesaid observations, it is apposite to extract the relevant paragraphs of the impugned judgment which are as under:-

6. The respondent no. 1 has submitted the additional affidavit sworn by the Administrative Civil Judge-ARC, North-West District, Rohini Courts Delhi wherein para no.2.2 it is mentioned as under:-

(i) In this regard, it is submitted that the documents provided by the Petitioner i.e. 10 Vakalatnamas and 48 appearances (Annexure-'B') with his representation were verified by the sub-committee in compliance of meeting dated 29.05.2017 (Annexure-'C') of the LCAC and vide its report dated 07.06.2017 (Annexure-'D'), only 38 appearances and 4 Vakalatnamas were considered by the sub-committee. As per the report, 6 more Vakalatnamas and 10 more appearances that were internet generated copies, had also been filed by the petitioner but they were beyond the period mentioned in the application form for allotment of chamber at Rohini Courts Complex i.e 02.01.2006 till 28.02.2013, as invited vide notification dated 23.03.2013. The Committee also gave remark that 'even the 4 Vakalatnama being considered do not bear the name of the applicant but his signatures only'. Further, the Committee had also submitted in the said report that "All the Vakalatnama so filed are copies of CC (certified copy) (OSR) and appearances so filed appear to be self typed copies and the said fact has also been admitted by the applicant during interaction with the Member Secretary, LCAC 011 01.06.2017, Further, none of them could be verified through internet either".

(ii) Subsequently, vide minutes of meeting dated 08.06.2017 (Annexure-'E') of LCAC it is resolved that "Report of subcommittee perused. As per the report the applicant has furnished only 4 vakalatnamas and 38 appearances in support of his contentions of primarily practicing in the Rohini District Courts. The committee is of the opinion that the documents furnished by the applicant in support of his contentions regarding primarily practicing at Rohini Courts is not enough keeping in view the period/or which the



documents were required to be filed. As such the applicant is not found to be primarily practicing at Rohini Courts Complex which is one of the condition that has to be satisfied for being considered for allotment of chamber. Accordingly, the application is disposed off as dismissed. Applicant be informed by the office".

7. The respondent no.1 in para no.2.3 of the said affidavit has also submitted as under:-

i) That the documents annexed as page no. 66 to 117 of the writ petition are the list of vakalatnama appearances and certified copies of Goshwara registers from the period January 2012 to May 2012 in the court of Sh. R.K. Chauhan, Ld. ASJ, Rohini Courts, Delhi.

ii) That the petitioner has earlier filed a representation dated 05.06.2018 alongwith the aforesaid documents (enclosed as page nos. 6 to 65 in that representation) for allotment of chamber in compliance of the order dated 24.05.2018 in W.P. (C) No.8265/2017 titled as "Parikshit Mahipal Vs. The Lawyers Chamber Allotment Committee & Ors." (Annexure-'F').

iii) That the said representation dated 05.06.2018 and its enclosures were considered in the meeting dated 20.05.2019 of LCAC at agenda no. 28. The petitioner was also present in person. The committee unanimously opined that there is nothing on record to prove the practice of the applicant at Rohini Court Complex. Hence, the representation of the applicant was dismissed (Annexure-'G').

iv) That for compliance of the order dated 07.07.2023 of the present writ petition no. 9192/2019, the aforesaid pages 66 to 117 were again verified and cross checked and they were found to be the same documents which were submitted by the applicant with his representation dated 05.06.2018. These documents do not reflect the appearance of the petitioner in cases mentioned in the goshwara register or list given by him, which is prerequisite for allotment of chambers.

8. The petitioner who appeared in person stated that the requisite number of appearance and vakalatnama could not be filed as those files have already been destroyed by the office of District Judge and accordingly, the petitioner is entitled for the allotment of the chamber and will fulfil the requisite criteria. The petitioner also stated that as per the notice of the allotment of the chamber, he has furnished all the necessary details as mentioned in the application form. The counsel



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for the petitioner referred the order dated 24.05.2018 titled as *Parikshit Mahipal V The Lawyers Chambers Allotment & Committee* passed by another Coordinate Bench of this Court in *W.P.(C) 8265/2017* and prayed that the present petition be allowed.

9. The counsel for the respondent no.1 has referred the minutes of the meeting of the Lawyer Chambers Allotment Committee, (North West district & North district) held on 20.05.2019. Serial no. 28 of the said minutes of meeting is reproduced as under:-

S.No.	AGENDA	MINUTES
28)	To consider the representation filed by Sh. Parikshit Mahipal, Advocate (Ref. Delhi High Court order dated 24.05.2018 in WP (C) no. 8265/2018).	Considered. Sh. Prikshit Mahipal is present. His arguments are heard at length by the Committee. After hearing his arguments at length Committee is of the unanimous opinion that there is nothing on record to prove the practice of the applicant at Rohini Court complex. Hence, the representation of the applicant cannot be acceded to. Applicant be informed accordingly.

10. The perusal of the relevant records reflects that the case of the petitioner for allotment of the chamber in Rohini Courts was considered at length by the Lawyer Chambers Allotment Committee, North West comprising of District Judges as well as Senior Judicial Officers along with representatives of the Rohini Courts Bar Association. It is also apparent that the petitioner could not furnish the certified copies of the requisite documents i.e. the 10 vakalatnamas and 48 appearances during the relevant period i.e. from 02.01.2006 till 28.02.2013.



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14. The aforesaid deficiency in documents evidencing the continuous practice as stipulated under the aforesaid 2011 Rules, coupled with the fact that the Allotment Committee consists of Senior-most Judicial Officers of the Rohini District Courts, including the President and Hony. Secretary of Rohini District Courts Bar Association, this Court is unable to agree with the contentions and submissions of the appellant.

15. In view thereof, we do not find any infirmity in the impugned order which merits any interference in the present appeal and thus the present appeal is dismissed without any order as to costs.

16. Pending applications also stand disposed of.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

09th July, 2024
aj/rl