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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 18th November, 2024.

+ W.P.(C) 11236/2024 & CM APPL. 46495/2024

ABDUS SAMAD & ANR.

.....Petitioners

Through: Mr. Amit Singh, Advocate.

versus

PRINCIPAL DISTRICT AND SESSIONS JUDGE SOUTH

.....Respondent

Through: Mr. Satyakam, ASC for R-1.

Mr. Shakeel Ahmad and Mr. Haider Ali, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J. (Oral):

1. The present petition impugns the decision of the Lawyers' Chamber Allotment Committee, Saket District Courts,¹ re-allotting the second slot of Chamber No. 370 within Lawyers Chamber Block, Saket Court to Mr. Shakeel Ahmad, Advocate, Respondent No. 2 on double occupancy basis.

BRIEF FACTS:

2. A brief background leading to the filing of the present petition, is as follows:

2.1. The Petitioners are practicing advocates, enrolled with the Bar

¹ "the Allotment Committee"



Council of Delhi and are members of Saket Bar Association. Petitioner No. 1 was allotted the second slot of Chamber No. 243, Lawyers Chamber Block, Saket Court in double occupancy basis at the time of initial allotment of the chambers.

2.2. Petitioner No. 2 was allotted the first slot of Chamber No. 370 which he shared with Mr. Juber Ahmed Khan, Advocate. After the unfortunate demise of Mr. Khan on 17th December 2021, the second slot of Chamber No. 370 became vacant and available for re-allotment.

2.3. In light of this vacancy, Petitioner No. 1 submitted an application on 18th July, 2023 for swapping of his slot in Chamber No. 243 with the vacant slot in Chamber No. 370, desiring to share the chamber with Petitioner No.2. To support this request, Petitioner No. 2 provided a No Objection Certificate,² expressly consenting to Petitioner No. 1's co-allotment of Chamber No. 370. This application was supplemented by a subsequent representation dated 20th March, 2024, accompanied by Petitioner No. 2's consent.

2.4. In March, 2024 second slot of Chamber No. 370 was sealed by the Public Works Department. Meanwhile, the matter of re-allotting the second slot of Chamber No. 370 was considered during the meeting of the Allotment Committee held on 4th April, 2024. However, due to time constraints, Petitioner No. 1's application could not be taken up for consideration. The minutes of meeting dated 4th April, 2024 recorded as follows:

² "NOC"



<i>"SL. No.</i>	<i>AGENDA</i>	<i>MINUTES</i>
<i>Representations for Allotment of Chamber (Initial Allotment Phase/ Subsequent Allotment Phase)</i>		
<i>...xx..</i>	<i>...xx..</i>	<i>...xx..</i>
34.	<i>I) Application dated 18.07.2023 received from Sh. Abdus Samad. 2nd allottee of Chamber no. 243 for change of chamber to 2nd slot of Chamber no. 370.</i> <i>II) Letter dated 20.03.2024 on the same subject along with NOC obtained on same letter from co-allottee of Chamber no. 370.</i>	<i>Deferred for further discussion due to paucity of time."</i>

2.5. Subsequently, when the Petitioners filed a writ petition bearing No. W.P.(C) 7929/2024, this Court through order dated 28th May, 2024, directed the Allotment Committee to consider Petitioner No. 1's application before allotting the second slot of Chamber No. 370. In compliance with the said directions, on 4th June, 2024, Petitioner No. 1 submitted another representation along with a copy of the order dated 28th May, 2024.

2.6. Petitioner No. 1's request was considered in the meeting held on 1st June, 2024. The minutes reveal that, besides Petitioner No. 1's application, Respondent No. 2 had also submitted an application to swap his current allotment Chamber No. 635 with the vacant slot in Chamber No. 370. The Allotment Committee referred the matter to the Sub-Committee for a detailed examination.

2.7. In light of the observations of the Sub-Committee, the Allotment Committee considered the representations of Petitioner No. 1 as well as Respondent No. 2 and on 30th July, 2024, it was decided to allot the second slot of Chamber No. 370 to Respondent No. 2. The minutes of the meeting reflected this decision as follows:



SL. NO	AGENDA	MINUTES
Sub-Committee's Report		
1	i) a) Representations dated 18.07.2023 & 20.03.2024 received from Sh. Abdus Samad 2nd allottee of Chamber no. 243 for change of Chamber to 2nd slot of Chamber no. 370 alongwith NOC of allottee of 1st slot in said Chamber taken on letter dated - 20.03.2024 itself. b) Another representation dated 04.06.2024 on the same subject and order dated 28.05.2024 of Hon'ble High Court received from Sh. Abdus Samad. ii) Request of Sh. Shakeel Ahmad, 2nd allottee of Chamber no. 635 for change of Chamber to 2nd slot of Chamber no. 370. No NOC/ consent of allottee of 1st slot has been	It has been noticed by the Committee that vide minutes of meeting held on 03.06.2024, the matter was referred to the Sub-Committee for examining it & report. As per recommendations of this Committee, the Sub-Committee submitted it's report in this matter. It was informed by the President and Hony. Secretary, SBA to the Sub-Committee that Chamber No. 370 is partitioned, hence there is no need to have consent of other allottee in sharing of said chamber of double occupancy basis. Further, it has been observed by the Sub-Committee that Sh. Shakeel Ahmad, Advocate, allottee of 2nd slot of Chamber No. 635 is senior in profession as compare to other aspirant for allotment of Chamber-in-consideration and the ground for change of Chamber from 6th to 3rd floor, is his medical condition i.e. liver & heart diseases and right



SL. NO	AGENDA	MINUTES
	enclosed.	knee pain. Medical documents in this regard are also submitted by him. Considering above, and at the request of Bar Executives, Sub-Committee has recommended allotment of 2nd slot in Chamber No. 370 to Sh. Shakeel Ahmad, Advocate. The recommendation of the Sub-Committee is accepted and it is unanimously resolved to allot 2nd slot in Chamber No. 370 to Sh. Shakeel Ahmad, Advocate on his request for change of Chamber. Accordingly, List E-66 (Subsequent Allotment) (Double Occupancy) is prepared and his name is included therein. Be published as per past practice. Above allotment shall be subject to the condition that his existing chamber is surrendered within 15 days of issuance of Allotment Letter and the dues thereof are cleared, in default thereof, above allotment shall liable to be canceled without any further notice. Allottee shall pay license fee & maintenance charges of the chamber allotted through these minutes, from the date he takes over it's possession and will simultaneously be liable to pay the license fees & other charges of existing chamber till the date he surrenders the same. Office to follow up.

2.8. Aggrieved by the aforesaid allotment, the Petitioners have now invoked Article 226 of the Constitution of India, 1950 impugning the validity of List-E66 (Subsequent Allotment- Double Occupancy) whereby the second slot of Chamber No. 370 was allotted to Respondent No. 2.

PETITIONERS' CONTENTIONS:

3. Mr. Amit Singh, counsel for Petitioners, advances the following



arguments while assailing the impugned decision:

3.1. The impugned decision has been rendered in disregard of Rule 9 of the Saket District Court Lawyers' Chamber (Allotment and Occupancy) Rules, 2010 which mandates that when two eligible advocates jointly apply for the allotment of a chamber on sharing basis then on such request, they shall be provided with a joint allotment of a chamber, subject to availability. Petitioners No. 1 and 2, by mutual agreement, resolved that Petitioner No. 1 would occupy the second slot in Chamber No. 370, where Petitioner No. 2 is already an allottee. This consensus is evidenced by the NOC issued by Petitioner No. 2 in favour of Petitioner No. 1.

3.2. As a matter of practice, the Allotment Committee has consistently accorded due consideration and weightage to NOCs issued by co-allottees in cases of re-allotment. This practice read in conjunction with the prevailing rules, entitles Petitioner No. 1 to be preferred over Respondent No. 2 for the second slot in Chamber No. 370.

3.3. The minutes of meeting held on 30th July, 2024 and even earlier, indicate that several chambers were available on the first and second floor. These alternatives would have been more suitable for Respondent No. 2, who sought re-allotment on medical grounds. Consequently, there is no compelling reason to specifically allot Chamber No. 370 to Respondent No.2.

3.4. Petitioner No. 1 submitted his request promptly after the vacancy arose which was pending consideration since 18th July, 2023. No such request received from Respondent No. 2 and therefore, the entire basis of allotment to Respondent No. 2 on the basis of seniority as sought to be



justified in the minutes of meeting dated 30th July, 2024 is completely a conjecture and a surmise.

3.5. The minutes of the meeting dated 4th April, 2024, do not offer any cogent justification for the deferral of Petitioner No. 1's representation, which had been pending since 18th July, 2023. Accordingly, this date should have been treated as the appropriate reference point for determining priority for the allocation of the second slot in Chamber No. 370.

RESPONDENTS' CONTENTIONS:

4. Mr. Satyakam, ASC for Respondent No. 1, on the other hand, states that in compliance with the Court's directions dated 22nd August, 2024, the matter was re-examined by the Allotment Committee in their meeting held on 3rd September, 2024. During the deliberations, the Allotment Committee thoroughly scrutinized the representations submitted by Petitioner No. 1 on 18th July, 2023, and 20th March, 2024, along with Respondent No. 2's application dated 3rd April, 2024. After extensive discussions, the Allotment Committee reaffirmed its earlier decision, asserting that the allotment was made in strict adherence to the established practice, which prioritizes seniority as the relevant criterion.

ANALYSIS AND FINDINGS:

5. The Court has considered the afore-noted contentions and perused the documents on record. It emerges that at the first instance, when the Petitioners approached this Court in W.P.(C) 7923/2024, through order dated 28th May, 2024, Respondent No. 1 was directed to consider the Petitioner No. 1's application before taking any final decision.

6. Having regard to the aforesaid order, this Court on 22nd August, 2024



also directed the Allotment Committee to hear both sides to find a resolution. In compliance with these directions, the Allotment Committee deliberated on the issue, and reiterated its decision to allot the second slot in Chamber No. 370 to Respondent No. 2.

7. It is undisputed that Chamber No. 370 became available for re-allotment only in February, 2024. The Petitioners contend that they had submitted their application on 18th July, 2023, expressing their intent to swap chambers. However, this application was tendered prior to the chamber being available for re-allotment. Therefore, the said application could not be treated as a formal request for re-allotment of chamber, on account of being premature. At best, it constitutes an expression of interest or just a representation, creating no vested right or priority in the Petitioners' favour.

8. The crux of the matter hinges on whether the allotment of the chamber to Respondent No. 2 violates the Saket District Court Lawyers' Chamber (Allotment and Occupancy) Rules, 2010. Mr. Singh, Counsel for the Petitioners, leans heavily on Rule 9 of these Rules which reads as under:

“9. Two or more eligible advocates may jointly apply for the allotment of a chamber on sharing basis and on such request, they shall be provided with a joint allotment of a chamber subject to availability and in that event, the joint allottees shall be jointly and severally liable for compliance of all the terms and conditions of these rules.”

9. A plain reading of the provision reveals that Rule 9 pertains specifically to the initial allotment phase and not to subsequent re-allotments. Further, in **Anita Gupta Sharma v. Chamber Allotment**



Committee & Others,³ this Court had noted the criteria of re-allotment presently being followed by the Chamber Allotment Committee, Saket prioritizes seniority and health-related considerations.

10. The Petitioners also emphasize the NOC provided by Petitioner No. 2, suggesting it should tip the scales in their favour. While the mutual agreement between co-allotees is commendable, elevating the NOC to a decisive criterion for re-allotment would open a Pandora's box. It could lead to scenarios where existing allottees wield influence over the re-allotment process, potentially stymieing fair and equitable distribution.

11. In the absence of specific rules governing re-allotment, the Allotment Committee's decision must be assessed on the yardstick of seniority. On this issue, it is undisputed that Respondent No. 2 is senior to Petitioner No. 1 which tilts the balance in his favour and therefore, has a superior claim to Chamber No. 370.

12. The Petitioners have suggested that alternative chambers might better accommodate Respondent No. 2's medical needs, implying that Chamber No. 370 is not uniquely suited to him. However, the Court must refrain from venturing into speculative assessments of suitability based on health. It is evident that Chamber No. 370 holds sentimental value for both parties: Petitioner No. 1 wishes to share a workspace with his colleague, while Respondent No. 2 has a longstanding association with the chamber through his late senior. Yet, Courts are guided by law, not emotion. Emotional considerations, while understandable, cannot override the governing criterion of seniority, which, in this case, decisively favours Respondent

³ W.P.(C) 12611/2024 decided on 14th October, 2024



No.2.

13. In view of the foregoing, the Court finds no merit in interfering with the impugned decision. Accordingly, the present petition along with pending applications, is dismissed. Consequently, the interim order dated 13th August, 2024, stands vacated.

SANJEEV NARULA, J

NOVEMBER 18, 2024/as