

IN THE HIGH COURT OF PUNJAB AND HARYANAAT CHANDIGARH

ORDER RESERVED ON	ORDER PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
28.11.2025	23.12.2025	FULL PRONOUNCED	23.12.2025

CWP-20967-2020

Bar Association Baba Bakala Sahib Petitioner
Versus

State of Punjab and others Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present Mr. Kulbhushan Raheja, Advocate for the petitioner.

Ms. Pooja Nayar Sharma, D.A.G., Punjab.

ANOOP CHITKARA, J. (ORAL)

1. Seeking issuance of a writ of mandamus directing the respondent-State to release the matching grant of Rs.50 lakhs for construction of lawyers chambers at Baba Bakala Sahib and Rs.20 lakhs for raising Bar Library as per notification No.10/30/2002 MA2(3) 5739 dated 06.08.2009, the petitioner-Bar Association Baba Bakala Sahib, had come up before this Court by filing the present writ petition.
2. A reference be also made to the orders passed by Co-ordinate Benches of this Court in similar petitions i.e. CWP-5115-2011 decided on 20.07.2012 (Annexure P-10) and CWP-19941-2012, decided on 22.01.2013 (Annexure P-11), CWP-23395-2012, decided on 02.08.2012 (Annexure P-12).
3. We have heard counsel for the parties and gone through the record and its analysis would lead to the following outcome:
4. The petitioner-Bar Association of Baba Bakala Sahib is a duly elected body represented by its President and as such, it is an association and is competent to file the writ petition of the present nature in the present circumstances. The petitioner's grievance is that the State of Punjab had formulated a uniform policy for the allotment of land to the Bar Association District and Sub Divisional level throughout the State of Punjab vide

Notification No.10/30/2002/RE. II (3)/7424-30 dated 11.11.2002. Pursuant to said notification, another Notification No.10/30/2002/ MA-2(3)/5739 dated 06.08.2009 was issued by the State of Punjab. As per this policy, the State of Punjab released grant for the construction of Lawyer Chambers/Bar Rooms and Bar Libraries. The copies of notifications are annexed with the partition as Annnexures P-2 and P-3 respectively. Notification dated 06.08.2009 Annexure P-2 refers that a policy has been framed for allotment of land for construction of lawyers chambers in Judicial Court Complexes in the State of Punjab vide earlier notification dated 11.11.2002. Earlier, the whole expenditure of the chambers of the lawyers was to be borne by the Bar Association but now the Government of Punjab has framed a new policy in the year 2009 and 2010 to give financial assistance/financial aid to the Bar Associations for construction of chambers of lawyers, bar room and library at State level to be implemented from 2009 and 2010 with the conditions mentioned in the notification.

5. The petitioner stated that they had constituted a lawyer's building committee for the construction of the lawyers chambers after taking into confidence all bar members and had also opened a bank account. They created a society in the name of M/s Lawyer Chamber Building Welfare Society and collected sufficient funds and deposited the same in the bank for obtaining the matching grant from the Punjab Government.

6. In paragraph No.3 of the writ petition, the Bar Association undertakes that its members i.e. Advocates are willing to deposit the remaining amount as and when the Government of Punjab will release the matching grant for construction of chambers in the Baba Bakala Sahib Court Complex, District Amritsar.

7. In paragraph No.5 of the petition, the petitioners have undertaken to abide by all the rules and regulations in the department for using the matching grant for construction of the advocate chambers and a resolution in this respect was also passed on 09.05.2018.

8. In paragraph No.6 of the petition, it has been mentioned that an agreement was also executed between the petitioner and Local Administration through Deputy Commissioner

regarding the lease of the land on which the constructions are to be made. In paragraph No.7 of the petition, it has been mentioned that they are entitled for Rs.50 lakhs for construction of lawyers chamber and Rs.20 lakhs for library because it is an association registered at Sub Division level.

9. In paragraph No.8 of the petition, it has been mentioned that the work of the judicial complex has been initiated, land for the Advocate chambers has been earmarked, map is fully prepared and after verification, the land has been given to the Advocates by the government for construction of the chambers as well as judicial complex. They have annexed a copy of site plan as Annexure P-5.

10. In paragraph No.9 of the petition, the petitioner stated that similar type of matching grant has already been sanctioned to various Bar Associations throughout the State of Punjab. In paragraph No.10 of the petition, the petitioner stated that the bar consists of young lawyers who need this much of support and assistance from the government and they have a right to be considered as per the policy. However, no matching grant was issued despite representations being made to the government.

11. In paragraph No.11 of the petition, the petitioner claimed that they had started construction of more than 30 chambers and the cost of each chamber is more than Rs.4 lakhs. The construction was started on 21.12.2018 and they have already spent 50% of the amount of total construction. The site plan had been sanctioned and expenditure was made from bank account. A copy of bank passbook is also annexed at Annexure P-9. However, in the absence of matching grant, work has been stopped and subsequently because of COVID-19 pandemic and now Bar Members were unable to complete till the year 2020.

12. In nutshell, the grievance of the petitioner-Association is that despite spending more than 50% of amount, despite numerous representations being made, matching grant was not received and similarly being granted to other Bar Associations, they have been arbitrarily denied 50% matching grant and hence they need issuance of a writ in the nature of mandamus.

13. The State has filed its response by filing an affidavit dated 15.01.2024 of Sub Divisional Magistrate, Baba Bakala Sahib, District Amritsar.

14. As per the said affidavit, the response of the State is that the mandatory provisions of the notification is not complied with, as such, the Bar Association is not entitled for release of funds for their chambers. It has been stated that the funds will be given to the Bar Association and not to any particular individual and for this purpose, the Bar Association will get prepared an estimate from an Engineer and after perusing the proposal, the same shall be sent to PWD for vetting and if the estimate will not be prepared from an Engineer, then estimate be get prepared from PWD. It has been further mentioned that the grant for chamber for lawyer/bar room for Sub Division will be Rs.50 lakhs, whereas, for library of Sub Division is only Rs.2 lakhs and not Rs.20 lakhs and matching aid has to be given regarding construction cost i.e. 50%. The response of the State is that the Bar Association failed to submit any estimate prepared for construction of the chambers from any engineer or PWD department for vetting. It has been further mentioned that the Executive Engineer, PWD (B&R) Amritsar had sent a letter bearing No.3195 dated 14.01.2024, in which it was observed in point No.4 that the estimate regarding Bar Chambers was not prepared/approved by their office. It is also mentioned that on 15.01.2024 another letter was sent by the Executive Engineer concerned and it has been mentioned again that the Bar Association neither submitted any estimate for vetting nor got it prepared by their office and no structural drawings were received for approval/vetting in this office in reference to matter under subject.

15. A perusal of the para-wise reply to the writ petition also does not deny the basic contentions of the petitioner except i.e the grant of library is Rs.2 lakhs and not Rs.20 lakhs.

16. The analysis of these pleadings would lead to the following outcome. It is no one's case that the Bar Association Shri Baba Baba Bakala Sahib is not entitled to Rs.50 lakhs for construction of chambers and Rs.2 lakhs for the library fund subject to matching grant. The limited ground for which the State is withholding the grant is the absence of verification of

estimates as mentioned in the previous preliminary objections of the reply. It was clear that if the Bar Association do not send their estimates, then it can be prepared by PWD. The Executive Engineer, who had raised the objection itself belonged to PWD. Nothing had stopped such Executive Engineer to direct visit of the spot and preparation of estimate by taking Bar Association into confidence but it was not done.

17. Given above, **the present writ petition is allowed** and the respondent-State of Punjab is directed to release the funds of Rs.50 lakhs matching grant of Bar Association Baba Baba Bakala Sahib and Rs.2 lakhs for library fund. Before releasing the funds, the Executive Engineer, Provincial Division, PWD (B&R), Amritsar shall depute some engineer of PWD, who will visit the spot and cross check the estimates and the funds spent by the Bar and also give his comments about the structure which have been raised by the Bar Association. After receipt of such report, the concerned Department of State of Punjab shall release the appropriate grant.

18. The visit of the officer and the report shall be done not later than 15.01.2026 and after that grant be released not later than 10.02.2026 by transferring the specific funds in the Bar Association account. The account details of the welfare fund of the chambers shall be provided by the executive of the concerned bar.

19. The executive body of the Bar Association and the Chamber Committee are requested to fully cooperate with the Engineers of the PWD and render full cooperation in making estimates and evaluating the work already carried out.

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

23.12.2025
Jyoti-II

Whether speaking/non-speaking: Speaking
Whether reportable: No.