

CWP-18890-2024

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-18890-2024

Reserved on: 13.01.2025

Date of Decision : January 31, 2025

Naresh Dilawari

...Petitioner

V/S

Punjab and Haryana High Court Bar Association and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE VIKAS SURI**

Present : Mr. Naresh Dilawari (Petitioner in person)

Mr. B.S. Rana, Senior Advocate with
Mr. Nayandeep Rana, Advocate and
Mr. Manav Dhull, Advocate for respondent No.1.

Mr. Vinit Thakur, Advocate for
Mr. B.S. Khehar, Advocate for respondent No.2.

Mr. Ashutosh Gupta, Advocate for respondent No.3.

Mr. Yogesh Goel, Advocate for respondent No.4 (in person)

Mr. Vipul Goel, Advocate for respondent No.5 (in person).

Mr. Lakshay Goel, Advocate for respondent No.6 (in person)

Mr. Deepak Goyal, Advocate for respondent No.7 (in person)

SURESHWAR THAKUR, J.

1. Through the instant writ petition, the petitioner prays for the quashing of the order dated 31.05.2024 (Annexure P-1) passed by respondent No.1 whereby the petitioner has been removed from membership/the rolls of Punjab and Haryana High Court Bar Association,

Chandigarh. He further seeks the quashing of the impugned order dated

21.12.2018 (Annexure P-2) whereby the petitioner has been ordered to not visit the Bar Room No.2 of the Punjab and Haryana High Court, in order to avoid any further complications and to mend his ways.

2. Respondent No.1 issued show cause notice dated 24.05.2024, upon the petitioner without supplying him the copy of the complaint, yet thereto he, on 28.05.2024 filed a short response. However, without considering the reply filed by the present petitioner in a proper manner, the impugned order (Annexure P-1) has been passed by respondent No.1, thus under the influence and pressure of respondent No.4 and 5.

3. It is alleged in the petition that the impugned order (Annexure P-1) has been passed only on the basis of some WhatsApp messages which rather were not even shown to the petitioner, nor held any evidentiary effectivity, as the statutory certification as envisaged by Section 65-B of the Indian Evidence Act, rather remained unappended therewith.

4. The brief facts of the case are that petitioner was attacked, assaulted and abused on 22.05.2024 at 9:45 a.m. in the room of the President of Punjab and Haryana High Court, Chandigarh, thus in the presence of the Secretary Sh. Swarn Singh Tiwana (Respondent No. 3), by respondents No.4 to 7 accompanied by about 15-20 advocates.

5. The petitioner is being blackmailed by respondent No.4, since last quarter of year 2018. The respondent No.4 is making false complaints himself, on behalf of his wife and through other persons against petitioner since year 2018. The petitioner also enclosed inquiry report obtained under RTI from Chandigarh police, which makes findings, that the complaints filed by respondent No.4 against the petitioner, are false and motivated, wherein,

false allegations purportedly by the wife of respondent No.4 were also made merely to defame the petitioner.

6. To blackmail the petitioner, respondent No.4 procured impugned order dated 21.12.2018 i.e (Annexure P-2) with connivance and influence of members of respondent Nos.1 and 2. The impugned order was procured with a pre-planned conspiracy, on the basis of false and frivolous complaints, to grab chamber No.422 (50% share of petitioner) at District Court Complex, Sector 43, Chandigarh. The said hatched criminal conspiracy, is corroborated from, qua after the passing of impugned order (Annexure P-2), thus respondent No.4, got fresh membership of District Bar Association, Chandigarh, by concealing that respondent No.4 was already member of DBA Chandigarh and respondent No.4 was also in arrears of subscription of DBA Chandigarh for the last 10 years..

7. After getting fresh membership, respondent No.4 moved complaint for cancellation of the share of the petitioner in chamber No.422, thus on the ground, that the petitioner is having seat in room No.11, of the Punjab & Haryana High Court. As respondent No. 4 was having influence, notice was issued to the petitioner for cancellation of his share in chamber No. 422. The chamber committee without any provision and rules and without considering reply of petitioner cancelled the share of the petitioner in chamber No. 422, situated at District Court Complex, Chandigarh.

8. The petitioner was forced to sell his share in chamber No.422 at District Court Complex, Sector 43, Chandigarh. However, the sale proceeds thereof became usurped by respondent No.4 and his associates in connivance with each other. The petitioner made complaint to SSP Chandigarh in April

2024 regarding cheating and extortion etc with regard to said chamber and same is pending.

9. After enrollment in the year 2001, the petitioner started sitting in Bar Room No.2, New Bar Complex, Punjab & Haryana High Court, Chandigarh. Since the year 2002 the petitioner had become acquainted with respondent No.4, Yogesh Goel, who also happened to be the neighbour of petitioner in Sector 35-D, Chandigarh. The petitioner and respondent No.4 were enjoying good family relations since the year 2002 till September 2018 but their relations got strained owing to enmity, and jealousy of respondent No.4

10. The petitioner made complaint to respondent No.2 to cancel seat of respondent No.4 in chamber No.50, High Court Complex, Chandigarh, because of fraud and illegalities. Vide order dated 8.09.2022 respondent No.2 directed respondent No.4 to choose either the shared seat in chamber No.50 or Room No.2 in the High Court Complex Chandigarh. However, respondent No.4 continued using seat in Room No.2 and always obstructed and restrained the petitioner from entering Room No.2, thus with the illegal support of the members of respondent No.1 and 3. Reminders were given to respondent No.2 to comply with order dated 8.09.2022 and another response dated 30.04.2024 was given by respondent No. 2 to contact respondent No.1.

11. That after an order becoming rendered by the Registrar General, the petitioner moved application dated 7.05.2024 before respondent No.1. However, the relief claimed therein was declined vide order dated 9.05.2024.

12. Respondent No.1 either ignored or dismissed all applications of petitioner regarding illegal order (Annexure P-2) and even the appeal dated

28.05.2019, as filed against (Annexure P-2) though was duly received in the office of respondent No.1, but was not considered at all.

13. Emphatically, a perusal of the Punjab and Haryana High Court Bar Association, Chandigarh Rules and Regulations, reveals that there is necessity of providing an opportunity of being heard before passing an order of suspension. Since in the instant case, though a show cause notice became issued upon the present petitioner, and though the same become responded to by the present petitioner. However, no opportunity of personal hearing was thereafters afforded to the present petitioner. The relevant rule becomes extracted hereinafter.

“Part III – Professional conduct or any other misconduct of member and their employees prohibition as to taking briefs from certain persons.

Professional or other misconduct of a member:- a member who is a member of Bar Association shall maintain and abide by High standard of professional conduct and Rule as contained in Chapter-II Part-VI of the Bar Council of India Rules framed under the Advocate Act, 1961, regarding standards of professional conduct and etiquette.

Punishment of the members of Bar Association for misconduct:- (i) *Where on a receipt of complaint or otherwise the Executive Committee has reason to believe that any member of the Association has been guilty of professional or other misconduct, ti shall refer the case to the Bar Council or to the Disciplinary Committee of the Bar.*

The Disciplinary Committee of the Association after giving the member concerned and the complainant, an opportunity of being heard may pass any of the following orders, namely:-

(i) Dismiss the complaint.

(ii) Reprimand the member of the Association.

(iii) Suspend the member from the membership of the Bar Association for such period as it may deem fit.

(iv) Remove the name of the advocate from the membership of the Bar Association.”

14. Since in terms of the above rules, the petitioner was not granted any opportunity of personal hearing by the Executive Committee of the Punjab and Haryana High Court Bar Association, whereby alone adherence would be made to the principles of natural justice, which find spoken also in the (supra) extracted rules. Therefore, for non adherence of the above rule, besides for lack of adduction of cogent proof qua the apposite allegations, rather makes the rendition of the impugned order (Annexure P-1), whereby the petitioner has been removed from membership/the rolls of Punjab and Haryana High Court Bar Association, Chandigarh, thus to be both illegal, and, tainted, whereupon the said order is quashed and set aside.

15. In aftermath, there is merit in the instant writ petition, and, the same is allowed. Resultantly, both the impugned orders i.e. Annexure P-1 and P-2 are quashed, and, set aside.

(SURESHWAR THAKUR)
JUDGE

31.01.2025

Ithlesh

Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No

(VIKAS SURI)
JUDGE