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

+ **W.P.(C) 16650/2025 & CM APPL. 68330/2025 (Stay)**

SHRI VIJAY KUMAR JINDAL

.....Petitioner

Through: Mr. Sandeep Sharma, Sr. Advocate
with Mr. Hunny Singh and Mr.
Rubkan Tyagi, Advocates.

versus

DELHI HIGH COURT BAR ASSOCIATION & ORS.

.....Respondents

Through: Mr. Vikram Singh Panwar, Mr. Kunal
Malhotra, Ms. Chandrika Gupta, Mr.
Amit Choudhary, Mr. Shrey Sharawat,
Mr. Lakshay Kaushik, Ms. Kanika
Singh, Ms. Vidhi Gupta, Mr. Nitesh
Mehra and Mr. Harish Nair,
Advocates for R-1/DHCBA.
Ms. Prachi Vashisht, Advocates for R-
2 and R-3.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **10.11.2025**

1. This hearing has been done through hybrid mode.

CM APPL. 68329/2025 (Exemption)

2. Allowed, subject to all just exceptions. The application is disposed of.

W.P.(C) 16650/2025 & CM APPL. 68330/2025 (Stay)

3. The present petition under Articles 226 and 227 of the Constitution of India seeks the following prayers:

“A. Directing Respondent No. 1 to restore the membership
Petitioner in DHCBA.

B. Direct Respondents No.2 and 3 to allot and hand over possession



of Chamber as per Seniority allotment list.

C. Declare the cancellation of membership in 1995-96 as null and void, being violative of natural justice.

D. Directions to the Respondent No. 1, 2 and 3 to produce the documents mentioned at para no.17 of this writ petition.

E. Pass such further orders as deemed fit.”

4. Learned Senior Counsel appearing on behalf of the petitioner submits that the membership of the latter was cancelled as per communication dated 08.07.2025 in the year 1995-1996 on account of non-payment of pending subscription fees. It is further submitted that in other similar cases, the Bar Association has revived the membership after accepting the dues. It is further submitted that no document with regard to the cancellation of membership has been supplied by the Delhi High Court Bar Association.

5. Mr. Vikram Singh Panwar, Secretary of Respondent No. 1, on advance notice, submits that the present petition is not maintainable and relies upon a judgment of the learned Division Bench of Bombay High Court in **Abhijeet Appansaheb Bacche-Patil and Ors. v. Bar Council of Maharashtra and Goa through its Chairman and Anr., 2025 SCC OnLine Bom 1514**, and in particular to the following paragraphs:

“4. We may, at the outset, observe that it is certainly not possible to draw any parity in regard to the statutory duties and obligations as conferred by law on the Bar Council which is constituted under a statute with that of a bar association which is an association of persons. We have perused the said decisions, as relied on behalf of the petitioners, however, we are not persuaded to accept the petitioners' contention and to subscribe to the view as taken in the said decisions relied on behalf of the petitioners.

5. A Division Bench of this Court in the case of *Rajghor Ranjhan Jayantilal v. Election scrutiny committee of B.B.A*¹ was

¹ 2024 SCC OnLine Bom 1118



considering a similar challenge in regard to the elections of the Bombay Bar Association, when the Court held that a writ petition on such a cause was not maintainable as the Bombay Bar Association was not a State within the purview of Article 12 of the Constitution of India. It was observed that a bar association being an association of persons having its by-laws and rules, does not receive any aid/financial assistance from the government exchequer, nor would the government have any control or stake either in the establishment or in the management of the Bar Association. It was held that in the absence of there being any deep or pervasive State control in the management of the affairs, the Bar Association cannot be held to be a State within the meaning of Article 12 of the Constitution of India. In such context, the relevant observations as made by the Court are as follows:—

“5. At the outset, an objection is raised by Mr. Tally, the learned Counsel for Respondent No. 1, to the maintainability of this Petition. He would submit that the prayers made by the petitioner are in relation to the elections, which have already been held, the results of which stand declared. It is submitted hence at such stage no relief can be granted to the Petitioner on a concluded election process. **The next objection of Mr. Tally and which is more fundamental is that the Petition is also not maintainable, for the reason that the Bombay Bar Association is not a ‘State’ within the meaning of Article 12 of the Constitution of India, as none of the essential requirements to hold this body to be a ‘State’ under Article 12 are present. It is hence Mr. Tally’s submission that the Petition needs to be dismissed.**

7. Having heard learned Counsel for the parties, **we are not persuaded to accept the contentions, as urged on behalf of the Petitioner, that any relief can be granted to the Petitioner, by entertaining this Petition filed under Article 226 of the Constitution. This, firstly, for the reason that we cannot accept the Petitioner’s contention that the Bombay Bar Association is a ‘State’ under Article 12 of the Constitution of India.** We are informed by Mr. Tally that the Bombay Bar Association is an Association of Persons (AOP), having its byelaws and Rules. It does not receive any aid/financial assistance from the government to meet its expenditures, nor does the government have any other form of controlling stake either in the establishment or in the



management or administration of the bar association. There is no deep or pervasive “State control” in the management of its affairs. Furthermore, the functions of the Bombay Bar Association do not relate/or are governmental functions. For all these reasons the Bombay Bar Association cannot be held to be a ‘State’ under Article 12 of the Constitution of India. Thus, on this ground alone, we cannot entertain this Petition. We may observe that the alternate remedy for the Petitioner, if at all, would be to file a Civil Suit for redressal of any election grievance which the Petitioner has.

8. Be that as it may, the issues which are raised in the Petition concern the elections of the Standing Committee of the bar association. Election itself is a creature of the statute. Such elections are held according to the Rules and Regulations. If the Petitioner has any grievance regarding the same, certainly the remedy for the Petitioner cannot be to invoke the writ jurisdiction of this Court.” (Emphasis Added)

7. It is not the case that the petitioners are remediless, to assail any actions inter se between the members and the Bar Association which is by approaching the appropriate Civil Court by filing a civil suit for redressal of its grievances. In fact the remedy lies in the precincts of the bar association, that is to approach the Civil Court and seek appropriate reliefs. We are thus quite certain that a writ petition under Article 226 of the Constitution of India for any relief on a dispute between the member and the bar association is not maintainable.

8. We may observe that the bar associations are either societies registered under the Societies Registration Act, 1860, or trusts, they are governed by their own bye-laws or rules. Certainly, there is no deep or pervasive control of the Government or even of the Bar Council on the bar associations. They are governed by a managing committee which is elected by its members. There is hence, neither any control nor any interference of the Government in the functions of the bar association, much less on their elections or day to day functioning. The managing committee looks after the welfare of its members. The Bar Associations, in the interest of its members, day-in and day-out issue circulars, notices, notifications, etc. If all such activities, actions and decisions of the bar association are to be held to be subject, to the judicial review of the High Court under Article 226 of the Constitution of India, by reaching to a conclusion that



the bar association is a “State” within the meaning of Article 12 of the Constitution, in our opinion, this would certainly lead to a chaotic situation. The State of Maharashtra has 36 districts, each district has a number of talukas and each taluka is likely to have a bar association, which would be governed by their own rules and regulations. If we accept petitioner's contention that the petition be entertained, in such event “any dispute whatsoever” between the members and the bar associations, the High Court would be required to exercise its power of judicial review by entertaining writ petitions under Article 226 of the Constitution and adjudicate such disputes.

9. In our opinion, if we entertain writ petitions on such causes, things would not stop only at the bar associations formed by advocates, as the same logic would be required to be applied to associations of other professional bodies like the associations of Doctors, Chartered Accountant, Engineers to name a few, which also discharge duties towards its members and citizens. Thus, it is a proposition too wide that a writ petition under Article 226 of the Constitution, be held to be maintainable, in regard to any inter se dispute between the petitioner and respondent no. 2 (Bar Association). We may also observe that invariably such dispute would also involve disputed questions of facts, which in any event cannot be gone into in any adjudication under Article 226 of the Constitution.

10. Further, there is another aspect which would dissuade us from not entertaining a writ petition between a member and the bar association, the reason being any decision of the bar association, with which some of its members may feel aggrieved, if is to be brought within the purview of Article 226 of the Constitution of India, inviting interference of the High Court, it would not be a situation, conducive to the harmonious working of the bar associations and/or the intention with which any bar association is established and supposed to function, causing impediments, and a peril in the smooth functioning of the bar associations, or its managing committees. This would not only lead to chaos but also a possible misuse of the discretionary and summary jurisdiction of this Court. The magnitude is just to be imagined.

11. Even otherwise, the relationship between the bar association and its members on anything to do with the functioning of the bar association is circumscribed/governed and controlled by the rules of the bar association, to which the members subscribe, when they



accept the membership of the bar association. If this be so, merely for the reason that the advocates are governed by the Advocates Act, a relief in a writ petition under Article 226 of the Constitution cannot be granted against the bar association. In our opinion this would be a position too far-fetched.”

6. A perusal of the record would reflect that the petitioner applied for renewal of his membership after a substantial delay *vide* communication dated 18.06.2025, which was cancelled in 1995-96. It is the case of the petitioner that he had become a member with Delhi High Court Bar Association in 1992. In the considered opinion of this Court, the decision of Hon’ble Division Bench of High Court of Bombay squarely applies to the facts of the present case as well. The dispute between the petitioner and the bar association cannot be adjudicated by this Court in writ jurisdiction.

7. In view of the above, the present petition is dismissed with liberty to the petitioner to initiate appropriate proceedings in accordance with law before the Court of competent jurisdiction/Authority.

8. Pending application(s), if any, also stands disposed of.

AMIT SHARMA, J

NOVEMBER 10, 2025/bsr/ah