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

+ **W.P.(C) 4915/2026 & CM APPLs.24082-83/2026**

SUNITA PAPNEJA & ORS.

.....Petitioners

Through: Mr. Sanjeev Sagar, Senior Advocate
with Mr. Rajneesh Sharma, Mr.
Siddharth Panda, Mr. Ritank Kumar,
Mr. Anil Pandey and Mr. Akshay
Vaid, Advs.

versus

**DWARKA COURT BAR ASSOCIATION REGD. EXECUTIVE
COMMITTEE AND ORS.**

.....Respondents

Through: Appearance not given.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **13.04.2026**

1. Mr. Sanjeev Sagar, learned senior counsel points out from the earlier directions that, the action of the respondent is contrary to the mandate expressed by the Court. The Court, however, finds that the issue whether a writ can be issued against the Bar Association has been conclusively decided by the Division Bench in the case of ***Sangita Rai v. New Delhi Bar Association and Ors.***¹ Paragraphs 9, 16 and 17 of the said decision are extracted as under:

“9. A preliminary objection was raised on behalf of respondent no.5 in the writ petition regarding its maintainability on the ground that the Bar Association is neither ‘State’ nor its instrumentality within the meaning of Article 12 of the Constitution of India; neither does it perform any public

¹ 2026:DHC:433-DB



functions, as such, and the writ petition was not maintainable.

16. Bar Association is a body of private individual lawyers and in normal discharge of its functions, it does not perform any function which can be said to be a public function. It is a body registered under the Act, 1860; however, its affairs are governed by its Memorandum of Association, Constitution and Rules. The functions being generally discharged by Bar Associations, as observed above, are to protect the interest of the individual lawyers. It is in fact, a purely private entity and cannot in any manner or for any reason, whatsoever, be termed to be 'State' or its instrumentality or agency or authority.

17. In absence of any public functions being discharged by the Bar Association, and the Bar Association not being a 'State' or its instrumentality within the meaning of State in Article 12 of the Constitution of India, in our considered opinion, no Mandamus can be issued by the Court to Bar Association in exercise of our jurisdiction under Article 226 of the Constitution of India. If we examine prayer 'B' made in the writ petition, what we find is that that the appellant had prayed for an issuance of a Writ of Mandamus, directing the Bar Association to take action against certain Advocates, who have allegedly indulged in illegal and criminal activities of committing criminal acts such as trespass, as asserted by the appellant."

2. In view of the aforesaid, on the aforesaid short issue, the writ petition deserves to be dismissed as the Court cannot issue the *mandamus* against the respondent-Bar Association. Accordingly, the petition stands disposed of.
3. All rights and contentions are left open.
4. Petitioner shall be at liberty to take any other appropriate recourse in accordance with law.

PURUSHAINDR KUMAR KAURAV, J

APRIL 13, 2026/P