
(2005) 07 DEL CK 0113

In the Delhi High Court

Case No : Writ Petition (C) No. 6333 of 2003

Satish Aggarwala

APPELLANT

Vs

Bar Council of Delhi and Others

RESPONDENT

Date of Decision : 18-07-2005

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2005) 07 DEL CK 0113

Hon'ble Judges : Vikramajit Sen, J

Bench : Single Bench

Advocate : Satish Aggarwal, for the Appellant; Sanjeev Sachdeva and Priya Puri, for the Respondent

Judgement

Vikramajit Sen, J.—Briefly stated, the grievance of the Petitioner is that he was almost regularly attending all the meetings of the Bar Council of Delhi in respect of which notices had been served upon him and received by him. The term of the Bar Council of Delhi was to expire on 30.3.2003 and the steps for Elections to the next term were initiated on 25.1.2003. Elections of the Membership of Respondent No.1 were scheduled for 29.9.2003 and 30.9.2003.

2. The Petitioner was informed by his brother that he had ceased to be a Member of Bar Council of Delhi in view of its Resolution to that effect passed, on the ground that he had not attended the Meetings convened on 26.4.2002, 27.5.2002 and 27.7.2002. It is his contention that notices of these Meetings were not sent/received by the Petitioner.

3. Several hearings have already been granted. On 11.8.2004 this Court had noted that fresh Elections to the Bar Council of Delhi have already been held. The Petitioner's contention is that the Resolution whereby his Membership to the Bar Council of Delhi had been terminated for the already expired term is stigmatic.

4. The Petitioner has invoked the extraordinary civil jurisdiction of this Court under Article 226 of the Constitution. A fresh term of the Bar Council of Delhi has

already commenced in which the Petitioner has no interest. It is not essential or mandatory for the Court to dispose of a Writ Petition which has already become infructuous. The ancillary matters, in which substantial similar questions have been raised, have been heard by a Division Bench of this Court and there is a dichotomy in the opinion rendered.

5. The civil miscellaneous application No. 9660/2003 on which detailed opinions have been rendered by Hon"ble the Chief Justice and Hon"ble Mr. Justice A.K. Sikri has subsequently been withdrawn. Consideration of the conundrums which have been raised in this Petition need not be answered in a Petition which has already run its course. I am of the opinion that no stigma attaches to the impugned Resolution. If Members Reports have painted a picture which is adverse or defamatory towards the Petitioner he has his recourse.

6. I had occasion to consider some of the controversies raised in this Petition in WP(C) No.7281 of 2005 titled Dr. K.K. Arora v. Union of India decided on 31.5.2005, in which the Issues were strikingly similar. I was of the opinion that adequate notice must be given to every Member and that an important question must be contained in the Agenda itself.

7. Writ Petition is disposed of as infructuous.