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

\# **CNR No. DLHC010915872024**

\+ W.P.(C) 17076/2024

SHASHANK DEO SUDHI .....Petitioner

Through: Petitioner in person.

versus

DELHI HIGH COURT BAR ASSOCIATION AND ORS

.....Respondents

Through: Mr. N. Hariharan, Sr. Adv. Mr. Sacchin Puri, Sr. Adv. Mr. Rakesh Tiku, Sr. Adv., Ms. Prem Lata Bansal, Sr. Adv. with Mr. Vikram Singh Panwar, Ms. Kanika Singh, Mr. Kunal Malhotra, Mr. B.S. Dhir, Ms. Kajal Chandra, Ms. Vidhi Gupta, Mr. Amit Choudhary, Ms. Chandrika Gupta, Mr. Shrey Sharawat, Mr. Nitesh Mehra, Mr. Lakshy Kaushik, Mr. Jai Girdhar, Ms. Manya Talwar, Mr. Monu, Mr. Swastik Bhuchar, Mr. Sunil Kumar & Mr. Sandeep Kumar, Advs. for R1.
Mr. T. Singhdev, Sr. Adv. with Mr. Tanishq Shrivastava & Mr. Abhijit Chakrwarty, Advs. for R2/BCD.
Mr. Preet Pal Singh & Mr. Viraj Raj Mishra, Advs. for r3/BCI.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

O R D E R

% 26.11.2026

1. The petitioner, who is an advocate, seeks the following reliefs:

"(a) Issue an appropriate writ or direction for declaring

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Respondent No. 1 i.e. Delhi High Court Bar Association as public authority for the purpose of Right to Information Act, 2005.

(b) Direct the Respondent No. 1 to appoint CPIO in terms of the provisions of Right to Information Act, 2005.

(c) Pass any other appropriate writ that this Hon'ble Court may deem fit and proper in the interest of justice. "

2. The Hon'ble Division Bench of this Court in LPA 368/2024, by a recent decision dated 16.01.2026, wherein the challenge was laid by the petitioner against an action of New Delhi Bar Association, has held as under:

"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.

18. Such acts of the lawyers, which have been complained of by the appellant, may warrant criminal action, however, for the said purpose; the learned Single Judge has rightly observed that the appellant could take appropriate steps by instituting proceedings under the criminal law so as to put criminal law machinery in motion.

19. The appellant had also sought a direction to be issued to the Bar Council of Delhi which is a statutory body and has been entrusted with the statutory duty of regulating the profession of

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Advocates/Lawyers. One of the duties cast on the Bar Council is to take appropriate disciplinary action, in case of reported misconduct by a lawyer and therefore, the appellant ought to have approached the Bar Council instead of filing the writ petition seeking a Mandamus for issuing direction to the Bar Council to take action as desired by the appellant.

20. It is trite that for seeking Writ of Mandamus, the person approaching the Court has to first approach the authorities concerned or to take up his/her cause with the authorities and it is only in case of failure on the part of the public authorities concerned that a Writ of Mandamus can be sought by filing a petition that too, in case failure of discharge of statutory duties by such authorities is established."

3. In view of the judgement passed by Hon'ble Division bench, Respondent No. 1 is not amenable to writ jurisdiction, therefore, no relief can be granted to the petitioner in the present proceedings.

4. The petition is disposed of with the aforesaid observations.

AMIT MAHAJAN, J

NOVEMBER 26, 2026
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