

ITEM NO.39

COURT NO.6

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 48/2024

ANAMIKA DEWAN

Petitioner(s)

VERSUS

REGISTRAR, SUPREME COURT OF INDIA & ORS.

Respondent(s)

((1)Other COURT FEE RS 310 DEFICIT TO BE PAID. ALSO, PETITION HAS BEEN FILED WITH THE CODE OF AOR INSTEAD OF PARTY-IN-PERSON. IN-PERSON TO UPLOAD THE CORRECTED DOCUMENTS THROUGH THE RESPECTIVE LOGIN ID. (2)Other IMPUGNED ORDER DATED 21.12.2023 TO BE REMOVED FROM LISTING PROFORMA AND SRL NO. 6A INCORRECTLY FILLED UP. (3)Other APPLICATION FOR IN -PERSON TO BE SHOWN ON THE COVER PAGE (4)Other FILING INDEX, MEMO OF APPEARANCE TO BE FILED AND SHOWN IN THE INDEX (5)Other REPRESENTATION OF RESPONDENT NO. 2 AND 3 NOT GIVEN. (6)Other BLANKS IN AFFIDAVIT TO BE FILLED (7)Other CERTIFICATE NOT REQUIRED IN A WRIT PETITION, TO BE REMOVED (8)Other ANNEXURE P7, P10 ARE NOT PROPERLY PAGINATED (9)Other CLEAR COPY OF ANNEXURE P12, P21 AND P22 TO BE FILED (10)Other DATE OF ANNEXURE P14 AND P17 NOT TALLY (11)Other HEADING OF APPLICATION IS NOT CORRECTLY GIVEN. IF INTERIM RELIEF, THE SAME BE GIVEN ALONGWITH WRIT PETITION ITSELF AND NOT AS SEPARATE APPLICATION. (12)Other INDICATE WHETHER WILLING TO ACCEPT ANY ADVOCATE OR AMICUS IF PROVIDED BY THIS HONBLE COURT (TO BE MENTIONED INSIDE THE IN PERSON APPLICATION). (13)Other ANNEXURES ARE NOT FILED IN CHRONOLOGICAL ORDER. (14)Other ALL ANNEXURES TO BE DESCRIBED INSIDE THE BODY OF WRIT PETITION IN CHRONOLOGICAL SEQUENCE WITH START AND END PAGINATION (15)Other LETTER DATED 22.12.2023 TO BE FILED AS ANNEXURE (REFER PAGE 2 OF WRIT PETITION). (16)Other REFILING DECLARATION TO BE FILED)

Date : 22-01-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRAFor Petitioner(s) Ms. Meenakshi Arora, Sr.Adv.
Mr. Ankit Singh, Adv.
Mr. Chandratany Chaube, Adv.
Mr. Manoj Kumar, Adv.

Ms. Puja Dewan , AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Heard Ms. Meenakshi Arora, learned Senior Counsel appearing for the petitioner.

2. The petitioner's father, Shri Balraj Dewan, was an Advocate-on-Record in the Supreme Court and he was allotted the Chamber No. 108, C.K.Daphtary Block, Supreme Court of India, in the year 2006-2007. At the time when the allottee died on 13.06.2021, the petitioner was not a lawyer. The petitioner passed her law examination and enrolled as a lawyer only on 22.07.2023.

3. The petitioner made a representation for the chamber allotted to her father but the Competent Authority has not favourably considered the request made by the petitioner.

4. The Rule 7B of *Lawyers' Chambers(Allotment and Occupancy) Rules(as amended on 3rd March,2023)* provides that in case of death of an allottee of a chamber, the children of the allottee may be allotted a portion of the chamber if the Allotment Committee is satisfied that such person is practising in the Supreme Court. There is also a provision to allot only one-half of the chamber, to the surviving child/spouse.

5. Ms. Meenakshi Arora, learned Senior Counsel would submit that on the date when the petitioner's application came to be considered on 20.11.2023, the petitioner had already qualified as a lawyer on 22.07.2023. She further submits that a direction was issued by this Court on 16.01.2023 to facilitate the petitioner to make a

representation to the Allotment Committee and direction to consider the application, in accordance with law and on its own merit.

6. With the above projection, Ms. Arora argues that since the petitioner made a fresh representation and the Committee considered the matter on a date when the petitioner had already enrolled as a lawyer, the allotment can be made by sympathetically applying the provisions of Rule 7B of the Rules.

7. We have considered the submission of the learned Senior Counsel. The petitioner herself has also made submission before us, with due permission.

8. Since interpretation and application of Rule 7B will be needed for adjudication, the same is extracted below:

"7B. In case of death of an allottee of a chamber his son/daughter/spouse, if an advocate, may be allotted the said portion of the chamber if the Allotment Committee is satisfied that such person is practising in the Supreme Court. However, if the single allottee dies, his son/daughter/spouse, if an advocate, may be allotted only one half of the chamber and not the whole."

9. The Rule 7B shows that the right of consideration accrues on the death of the allottee. The said date cannot be shifted on the basis of the date of consideration of the application for allotment by the children of the allottee. There could be cases when the committee may not be able to consider an application immediately on death. There could also be a situation of the application being kept pending for one reason or the other. Therefore, if either the date of consideration of the application or the date of qualification of the applicant is taken into consideration, the

operation of Rule 7B will be inconsistent and will generate different results.

10. In our understanding, the right for consideration under Rule 7B accrues on the date of death of the allottee. This will avoid any inconsistency in the manner of consideration.

11. It cannot also be overlooked that a lawyer's Chamber within the premises of the Supreme Court is highly coveted by lawyers and there is a huge number of lawyers with much longer standing, waiting in queue, for allotment of chambers. It can not also be overlooked that chambers become available only rarely, usually on account of the death of the allottee.

12. As earlier noted, the petitioner was not a practising lawyer in the Supreme Court when her father died on 13.06.2021. Therefore, on the date of the death of the allottee, she is dis-entitled to favourable consideration, under the provisions of Rule 7B of the allotment Rules.

13. In view of the foregoing, this Writ Petition is found devoid of merit and the same is accordingly dismissed.

14. We are told that the chamber in question is kept locked and it is submitted by Ms. Arora that the furniture and papers are still kept in the locked chamber. Since, we have decided against the petitioner on her plea of allotment, the petitioner be facilitated to remove the belongings from the allotted chamber, on a date convenient to the Authorities and the petitioner.

15. Pending application(s), if any, shall stand disposed of.

(VARSHA MENDIRATTA)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR