

News

Where is the wrongdoing? The P&H High Court takes action against the lawyer who filed the PIL, citing the bar association.



According to the Court, anyone with a public cause may approach the HCBA.

In a disciplinary action against a lawyer who filed a Public Interest Litigation (PIL) pointing out unauthorized structures and encroachments, such as dhabas and kiosks, on the court grounds, the Punjab and Haryana High Court on Tuesday suspended its Bar Association [**Prithvi Raj Yadav v. Punjab and Haryana High Court and Others**].

The High Court Bar Association (HCBA) was prohibited from pursuing any form of coercion against the petitioner, Advocate Prithvi Raj Yadav, by a Division Bench consisting of Chief Justice Sheel Nagu and Justice Sanjiv Berry.

"Where is the wrongdoing? This [disciplinary action] is interfering with this PIL's legal proceedings. "This is essentially interference," said Chief Justice.

The Court further stated that Yadav had brought up a point that the HCBA ought to have brought up.

"It seems to be your fault. You ought to have brought it up. The Court stated that he is attempting to eliminate encroachments.

The Chandigarh government started removing the dhabas and sellers from the area surrounding the High Court as a result of Yadav's PIL. The HCBA later contested the intended action, claiming that the High Court lacked facilities and that litigants as well as attorneys would be impacted by their departure.

The High Court halted the case in July 2023 and requested recommendations from all parties involved on how to resolve the matter. In July of this year, the High Court administration argued that the HCBA controls the remaining spaces and that it has only rented out a small number of them. The Bench then asked the HCBA for information on things that are necessary for attorneys.

The Court was notified of the actions taken against Yadav today. Senior Advocate Rupinder Singh Khosla, speaking on behalf of the HCBA, replied that they would submit a response to Yadav's application concerning the disciplinary actions.

However, I stress once more that this is not the place for him to promote... Khosla went on.

HCBA claims that Yadav's PIL is detrimental to its financial stability and goes against its interests. In order to take action against him, it established a three-member disciplinary committee, the Court was informed.

The Court did state, however, that the HCBA cannot prevent someone from bringing a public cause before it.

Khosla said that because the Chandigarh government was not providing the services that would be impacted by the case, the PIL was not in the public interest.

"These facilities are provided by the Bar Association," he stated.

The fact that the HCBA did not consider the case to be of public interest, according to CJI Nagu, is unimportant. He went on to inquire as to whether the HCBA had lost faith in the Court.

Khosla replied that when it comes to giving lawyers facilities, the HCBA lacks faith in the High Court administration.

The administration of UT is absent. Nothing has been done by the High Court. In my 37 years here, the High Court has done nothing for attorneys or clients from an administrative standpoint. I don't trust anyone. It might be recorded by your lordships. All of these items are mandatory for us (HCBA). For instance, the café is only able to accommodate 80 people. What cafeteria-related actions has the High Court taken? Nothing! What actions has the UT administration taken? Nothing! For the **Kachha parking**, nothing has been done till now.

The Court subsequently scheduled a hearing for September 19 and asked Khosla to reply to Yadav's application challenging the HCBA's decision to start disciplinary proceedings against him.

Importantly, in Yadav's PIL last year, the court prohibited the HCBA from charging parking fees to litigants, staff, public servants, and lawyers who were in the High Court.

PR Yadav, the advocate, made an appearance.

Sheena Dahiya and Kanwal Goyal, both advocates, represented the High Court.

The Union of India was represented by Senior Panel Counsel **NK Vashisth** and Additional Solicitor General Satya Pal Jain.

For the Chandigarh administration, Standing Counsel **JS Chandail** made an appearance.

Advocates **Yogender Verma** and **Gagandeep Singh** Jammu (HCBA Secretary) argued on behalf of HCBA with Senior Advocate Rupinder Singh Khosla.

The State of Punjab was represented by Senior Deputy Advocate **General Salil Sabhlok**.

Deepak Balyan, an additional advocate general, represented the State of Haryana.