



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Civil Writ Petition No. 19006/2024

Sunil Vyas S/o Shri Ram Rakh Ji Vyas, aged about 57 Years,
Resident of Inside Jalori Gate, Ramrakh ki Gali Jallap Mohalla,
Jodhpur (Raj.).

-----Petitioner

Versus

1. The Bar Council of Rajasthan, through its Secretary,
Office at Old High Court Heritage Building Paota, Jodhpur.
2. The Rajasthan High Court Advocates Association, Jodhpur
through its President, New High Court Building, Jodhpur.
3. Registrar Societies Rajeev Gandhi Sehkari Bhawan, Near
Railway Station Jodhpur.
4. Sub-Registrar, Society Registration Cooperative Societies
Rajeev Gandhi Sehkari Bhawan Near Railway Station
Jodhpur.

-----Respondents

For Petitioner(s) : Mr. Anand Purohit, Sr. Advocate
assisted by Mr. Mayank Roy
Mr. Ranjeet Joshi
Mr. Vishwajeet Joshi
Mr. Kapil Bissa
Mr. B.P. Mathur
Mr. Manoj Kumar
Mr. Vikram
Mr. M.S. Purohit
Mr. K.S. Rajpurohit
Mr. Himanshu Maheshwari
Mr. R.R. Chhaparwal
Mr. Rajat Chhaparwal
Mr. Vinod Choudhary

For Respondent(s) : Mr. Ravi Bhansali, Sr. Advocate
assisted by Mr. Vipul Dharnia
Mr. Manoj Bhandari, Sr. Advocate
assisted by Mr. Aniket Tater
Mr. N.S. Rathore, AAG with
Mr. Arpit Samaria, AAAG
Mr. Muktesh Maheshwari
Mr. Gaurav Raka
Mr. Himanshu Shrimali
Mr. S.S. Choudhary
Mr. K.S. Rajpurohit



HON'BLE THE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA

HON'BLE MR. JUSTICE MUNNURI LAXMAN

Order

30/01/2025

1. Heard.
2. The petition is admitted for hearing.
3. Heard on prayer for stay.
4. Learned counsel appearing for the petitioner would argue that the amendment in the by-laws extending the tenure of the elected office bearers of Bar Association from one year to two year vide resolution dated 16.04.2024, is in blatant violation of the provisions contained in Section 12 of the Rajasthan Societies Registration Act, 1958 (hereinafter referred to as 'the Act of 1958') in as much as the mandatory procedure prescribed therein has not been complied with. The first specific ground in this regard taken in para 14 of the writ petition.
5. On the other hand, learned senior counsel appearing for respondents would submit that the respondents have categorically stated in reply to averments made in para 14 of the writ petition that the respondents have strictly complied with the procedure as laid down in the by-laws in the matter of holding a meeting and carrying out amendment in the by-laws.
6. Section 12 of the Act of 1958 reads as below: -

"12. Societies enable to alter, extend or abridge purposes or to amalgamate

(1) Whenever it shall appear to the governing body of any society registered under this Act, which has been established for any particular purposes, that it is advisable to alter, extend or abridge such purpose or purposes to or for other purpose or purposes within the meaning of this Act or to amalgamate such society either wholly or partially with any other society, such governing body may submit the



proposition to the members of the society in a written or printed report and may convene a special general meeting for the consideration thereof according to the rules and regulations of the society.

(2) No such proposition shall be carried into effect unless such report shall have been delivered or sent by post to every member of the society ten days previous to the special general meeting convened by the governing body for the consideration thereof nor unless such proposition shall have been agreed to by the votes of two-thirds of the members a delivered in person or by proxy and confirmed by the votes of two-thirds of the members present at a second special meeting convened by the governing body at an interval of one month after the former meeting.”

7. The petitioner in para 14 of the writ petition, after quoting the relevant provisions contained in Section 12 of the Act have specifically averred that in the present case 10 days previous notice of proposition was not delivered or sent by post to every member of the Bar Association- respondent No.2 and unless such provision is carried out into effect and unless such report is delivered or sent by post to every member of the Bar Association 10 days prior to special general meeting convened by the governing body for the consideration thereof and unless such proposition has been agreed by votes of 2/3rd of the members delivered in person or by a proxy and confirmed by the votes of 2/3rd of the members present in the second special meeting convened in governing body at the interval of the one month after the former meeting dated 16.04.2024 it would not be void. It is further averred that the meeting dated 16.04.2024, in the meeting only 70 to 75 advocates were present whereas there was requirement of atleast 2500 members of Association. Therefore, it is argued that proceedings are in violation of Section 12 of the Act.



8. In reply to para 14, in the reply of respondent No.2 it has been stated that the Memorandum of Association of respondents laid down the procedure for amendment of the by-laws and in consonance with the provisions of the by-laws the respondents carried out amendments, as such, contention of the petitioner regarding not following the procedure envisaged in the Act of 1958 is not tenable.

9. Learned senior counsel for respondents further referred to the submissions made in para 10 & 11 of the reply that the proposal to amend the by-laws was displayed on the notice board in the office of the Bar Association in the form of a notice which was followed by a meeting held on 16.04.2024 where 2/3rd members present and voting approved the amendment not only amending the existing by-laws providing for two year tenure for the elected office bearers but also making this amendment applicable for the purposes of tenure of the existing elected Bar office bearers.

10. On prima facie consideration, as against clear stand taken by the petitioner that the requirement of Section 12 of the Act have not been complied with, the reply of the respondents, considered as it is, does not satisfy the requirement of submission of proposition in a written or printed report. Further, the requirement of report to be delivered or sent by post to every member of the society is also not reflected from the reply. *Thirdly*, in the present case there is material placed on record by respondents to show that the second meeting as mandated under sub-Section 2 of Section 12 of the Act was held. The entire case of the respondents



that amendment in the by-laws have taken place is founded only on the basis of resolution passed on 16.04.2024.

11. In view of the above consideration, we are prima facie of the view that the amendment in the by-laws which is in blatant violation of the provisions contained in Section 12 of the Act. The term of the office bearers of the Bar Association if taken to be one year, has already come to an end on 13.12.2024.

12. In that view of the matter, we are inclined to pass an interim order, staying the effect and operation of the impugned resolution extending the term of office bearers of Bar Association from one year to two year. We are also inclined to appoint Administrative Committee which shall manage the affairs of the Bar till final decision of this petition.

13. This Court is inclined to constitute an Administrative Committee comprising of the following members: -

1. Mr. Jagmal Singh Choudhary, Sr. Advocate
2. Dr. Sachin Acharya, Sr. Advocate
3. Mr. G.R. Poonia, Sr. Advocate

14. List this petition for final hearing on 17.03.2025 at 2:00 p.m.

(MUNNURI LAXMAN),J

(MANINDRA MOHAN SHRIVASTAVA),CJ

150-Dharmendra Rakhecha & BhumikaP/-