

APHC010033842024

IN THE HIGH COURT OF ANDHRA PRADESH ::
AMARAVATI
(Special Original Jurisdiction)



WEDNESDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

HONOURABLE THE CHIEF JUSTICE DHIRAJ SINGH THAKUR

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

WRIT PETITION (PUBLIC INTEREST LITIGATION) NO: 45 OF 2024

Between:

Muli Venkata Bali Reddy

... Petitioner

AND

The State of Andhra Pradesh and Others

... Respondents

Counsel for the Petitioner(s) : Mr. Muli Venkata Bali Reddy (Party
In Person)

Counsel for the Respondents : GP for Law Legislative Affairs - R1,
Mr. K. Maheswara Rao, SC for Bar
Council of India - R2,
Mr. T. D. Phani Kumar represented by
Mr. P. Veera Reddy - R3 &
The Deputy Solicitor General of India - R4.

The Court made the following:

PER DHIRAJ SINGH THAKUR, CJ (Oral):

The present petition has been filed purportedly in public interest by the petitioner who is practicing in one of the mofussil Courts in the State of Andhra Pradesh. The petitioner alleges that the office bearers of the Bar Council of State of Andhra Pradesh misappropriated the amount collected through sale of stamps meant for the welfare of the Advocates. It is stated that the amount collected by the Bar Council of

State of Andhra Pradesh was much more than what had been reflected by them in their records. It is stated that there was a discrepancy between the money collected actually and that shown in the status of the Bar Council. The information with regard to discrepancy it is stated was obtained from some WhatsApp messages which were being circulated on the WhatsApp groups. With a view to show the discrepancy, the following chart has been reproduced in the writ petition.

No. of stamps sold: For the year 2019-2020	Calculated Amount	Shown in Status	Difference Amount
7,03,647 x 100	7,03,64,700/-	5,79,75,614/-	1,23,89,086/-
For the year 2020-2021			
2,93,891 x 100	2,93,89,100/-	3,58,71,094/-	64,81,994/- Shown in excess
For the year 2021-2022			
6,93,370 x 100	6,93,37,000/-	5,72,18,237/-	1,21,18,763/-
For the year 2022-2023			
8,37,753 x 100	8,37,75,300/-	6,85,23,943/-	1,52,51,357/-

2. Mr. P. Veera Reddy, learned Senior Counsel, appearing for respondent No.3, on the other hand states that the petitioner was suffering from some misconception and had decided to file the present petition in ignorance of the provisions of the Andhra Pradesh Advocates' Welfare Fund Act, 1987 (Act No.33 of 1987) and in particular Section 12-A which is reproduced hereunder:

“12-A. Apportionment of sale proceeds and the cost of Printing of Stamps

- (1) Notwithstanding anything contained in section 12, out of the sale proceeds of the stamps worth of Rs .100/- [substituted by the Act No.12 of 2018, S.5], a sum of Rs.86/- [substituted by the Act No.12 of 2018, S.5] shall be credited to the Andhra Pradesh Advocates' Welfare Fund and Rs.14/- [substituted by the Act No.12 of 2018, S.5] shall be credited to the Andhra Pradesh Advocates' Clerks Welfare Fund and where such a stamp is affixed to Vakalat/Memo of Appearance, the provisions of sub-section (2) of section 12 shall be deemed to have been complied with.

(2) The cost of the printing of the stamps under sub-section (1) of section 12 shall be apportioned between the Andhra Pradesh Advocates' Welfare Fund constituted under section 3 of the Andhra Pradesh Advocates' Welfare Fund Act, 1987 and the Andhra Pradesh Advocates' Clerks' Welfare Fund constituted under section 3 of the Andhra Pradesh Advocates' Clerks' Welfare Fund Act, 1992 in such manner as may be prescribed.”

3. It is stated that out of the entire amount collected by way of sale of stamps only a part of it comes to the Bar Council while the rest goes towards Advocates' Clerks' Welfare Fund and that the discrepancy which is sought to be projected in the writ petition is the discrepancy which is bound to be there on account of the operation of the provisions of Section 12-A of the Act.

4. On a specific question addressed to the petitioner appearing in person, we were informed that he did not know that Section 12-A at all existed in the Andhra Pradesh Advocates' Welfare Fund Act, 1987

and that the amount which was receivable by the Bar Council of State of Andhra Pradesh was to be less than the amount which was actually collected on the sale of stamps. It can therefore be clearly seen that the present petition was filed casually by the petitioner as a knee jerk reaction on the receipt of the WhatsApp messages circulating amongst various groups without verifying its authenticity and without in the least making any effort to seek clarity in regard thereto.

5. We would have imposed costs of Rs.50,000/- (Rupees Fifty Thousand only) on the petitioner appearing in person, however, the petitioner pleaded that no such costs be imposed upon him inasmuch as he was an Advocate practicing in mofussil Court and would be unable to pay the same.

6. Be that as it may, the writ petition (public interest litigation) filed by the petitioner is totally frivolous and is, accordingly, dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

DHIRAJ SINGH THAKUR, CJ.

R. RAGHUNANDAN RAO, J.