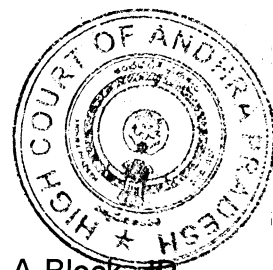


IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

FRIDAY, THE FOURTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY

: PRESENT:

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA
WRIT PETITION NO: 14117 OF 2020



Between:

Syed Ziauddin, S/o Usman, Aged 63 years, Occ. Advocate, R/o HNo. F116, A-Block, JP Apartments, Old RR Pet, Vijayawada.

Petitioner/s

AND

1. Bar Council of Andhra Pradesh, Rep. by its Secretary, High Court Buildings, Nelapadu, Amaravathi.
2. State of Andhra Pradesh, Rep. by its Secretary, Law Department, Secretariat, Velagapudi, Guntur.
3. Advocate General for the State of Andhra Pradesh, High Court of Andhra Pradesh, Velagapudi, Guntur.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings in R.O.C.No.173/2020 dated 10.08.2020 of 1st respondent thereby providing Loans to the needy advocates, out of the amount released by the Government of Andhra Pradesh, with repayment and interest clause, as illegal, irregular, arbitrary, without jurisdiction, violative of principles of natural justice and Articles 14 and 21 of Constitution of India and consequently suspend the proceedings R.O.C.No.173/2020 dated 10.08.2020 of 1st respondent and direct the respondent No. 3 to constitute a Welfare Trust for the purpose of Andhra Pradesh Advocates Welfare

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI M. SOLOMON RAJU Advocate for the Petitioner, and Advocate General for Respondent No.2 and of SRI G.VENKATA REDDY for Respondent No.1, the Court made the following.

ORDER:

"The writ petition is filed challenging the proceedings in ROC. No.173/2020 dated 10.08.2020 of the 1st respondent contemplating to provide loans to the needy Advocates out of the amounts released by the Government of Andhra Pradesh with repayment and interest clause as illegal and arbitrary.

The Government of Andhra Pradesh has announced a grant of Rs.100.00 crores for welfare of Advocate Community. Out of the said amount, an amount of Rs.25.00 crores has been released. For the purpose of disbursing the said amount a Special Committee was constituted under the Chairmanship of the Learned Advocate General. The Committee has decided to provide health insurance to the needy Advocates and also to provide loan facilities to them, who have already filed COP applications or declarations. The Committee also called for digital applications through online from 10.08.2020 4.00 p.m. to 16.08.2020 4.00 p.m., with Bar Association Certificate/ID Card and Self-Declaration. However the Committee's decision is communicated through letter of Bar Council vide proceedings dated 10.08.2020.

The leaned counsel for petitioner submits that the proceedings dated 10.08.2020 is contrary to Section 6(2) of the Advocates Act and contrary to G.O.Ms.No.185 dated 08.07.2020. He further submits that grant of loan on payment of interest is not just or confer any benefit to the Advocate Community, that too, in the pandemic/ Covid-19 situation as the Advocates are put to lot of sufferance.

Though the learned counsel for petitioner raised several contentions and sought for suspension of the proceedings dated 10.08.2020, this court is not inclined to grant the said interim relief without giving an opportunity to the concerned respondents to file their counters.

The learned counsel for petitioner however submitted that a representation has been made on 10.08.2020 to the Bar Council not to impose any interest on the loans proposed to be granted to the needy Advocates. The learned counsel submits that without considering the said representation, the 1st respondent is proceeding to process the loan applications.

As the representation dated 10.08.2020 is stated to have been made to the Bar Council, the 1st respondent is directed to place the same before the Special Committee constituted under the Chairmanship of the learned Advocate General for the purpose of disbursement of amount. It is for the said committee to take appropriate decision on the representation dated 10.08.2020 made by the petitioner and the same be considered by the Special Committee as expeditiously as possible within a period of two (02) weeks.

Office is directed to print the name of learned Advocate General for respondent No.2 and Mr.G.Venkata Reddy for R-1.

Learned counsel for petitioner states that he is not pressing the writ petition against respondent No.3.

The writ petition is dismissed in so far as "respondent No.3 alone".
Post the WP after two weeks."

Sd/-K. TATARAO
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Secretary, Bar Council of Andhra Pradesh, High Court Buildings, Nelapadu, Amaravathi.
2. The Secretary, Law Department, State of Andhra Pradesh, Secretariat, Velagapudi, Guntur.
3. The Advocate General for the State of Andhra Pradesh, High Court of Andhra Pradesh, Velagapudi, Guntur. (Addresses 1 to 3 by RPAD)
4. One CC to SRI. M SOLOMON RAJU Advocate [OPUC]
5. One CC to Advocate General [OPUC]
6. One CC to SRI M.VENKATA REDDY Advocate [OPUC]
7. One spare copy

HIGH COURT

NJSJ

DATED:14/08/2020

POST THE WP AFTER TWO WEEKS

ORDER

WP.No.14117 of 2020

DISMISSED

