

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

WRIT APPEAL No. 742 of 2015

Dt:06.08.2015

Between:

L.Vijaya Bhaskar.

... Appellant

And

The Bar Council of the State of Andhra Pradesh and others.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

WRIT APPEAL No. 742 of 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This writ appeal is directed against the order, dated 06.07.2015, passed by learned Single Judge dismissing W.P.M.P.No.23919 of 2015 in W.P.No.18490 of 2015.

The appellant in the miscellaneous petition had prayed for stay of further proceedings in Complaint Case No.8/2015 (Sr.No.76/2014) pending before Disciplinary Committee No.VI of the Bar Council of the State of Andhra Pradesh.

In the writ petition, the appellant challenged the disciplinary proceedings initiated against him on the ground that the State Bar Council without applying mind and without, *prima facie*, verifying the truth and veracity of the contents of the complaint referred it for enquiry to the Disciplinary Committee and the same is contrary to the provisions of the Advocates Act, 1961 (for short 'the Act') and various pronouncements of the Court.

This contention of the appellant was opposed by the State Bar Council contending that there is no illegality nor procedural irregularity in referring the case to the Disciplinary Committee and in the absence thereof, the appellant is not entitled for any relief in the writ petition. It has come on record that the General Body, after giving an opportunity of being heard to the appellant and having satisfied about the *prima*

facie case, referred the case to the Disciplinary Committee for enquiry.

During the enquiry, the appellant can raise all contentions, as raised in the writ petition, which the Disciplinary Committee will have to consider on merits and decide the complaint within the time stipulated under Section 36 of the Act. Section 36 of the Act provides for one year limitation for hearing and deciding disciplinary complaints against the Advocates, from the date of its reference.

In the present case, the complaint was referred on 26.04.2015. In view thereof, in any case, complaint will have to be decided on or before 25.04.2016.

We have perused the impugned order and it appears to us that the learned Single Judge considered all the contentions, as raised before us, in proper perspective and in the light of the law laid down by the Supreme Court in various judgments referred to in the order. We do not find any reason to interfere with the impugned order.

Hence, the writ appeal is dismissed.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Dt:06.08.2015
kdl

