

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.21424 of 2010

ORDER:

This writ petition was filed challenging the closure of case in C.C. No.38 of 2008 on the file of Disciplinary Committee No.5 of the Bar Council of Andhra Pradesh at Hyderabad for default on 06.11.2009 as illegal, arbitrary and violative of Article 14 of the Constitution of India.

This writ petition was filed without challenging any written order.

When this writ petition was taken up for consideration, learned Standing Counsel appearing for the Bar Council of Andhra Pradesh submitted that though in the docket of the proceedings it was indicated that the complaint was closed vide separate order, but no order was passed and no order was passed in view of the pendency of present writ petition.

The Bar Council of Andhra Pradesh would have seen that this writ petition was filed only after closure of the case, but not before and nothing prevented the Bar Council from passing a reasoned order, which would have enabled the petitioner to challenge the same in the present writ petition or before the appellate authority.

Since the case initiated by the petitioner was closed for his non-appearance, this Court feels that it is a fit case to allow the writ petition by directing the Bar Council of Andhra Pradesh to restore the complaint in C.C. No.38 of 2008 to the file of Bar Council of Andhra Pradesh for disposal in accordance with law after giving due opportunity to the petitioner.

Accordingly, this Writ Petition is allowed. No order as to

costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.RAMALINGESWARA RAO, J

19.02.2016

MVA