

[3489]

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
THURSDAY, THE ELEVENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE P.SAM KOSHY
AND
THE HONOURABLE SRI JUSTICE SUDDALA CHALAPATHI RAO
WRIT PETITION NO: 13352 OF 2025

Between:

Vijay Gopal, Aged. 36 years, Occ. Advocate, Address. 12-13- 1085/72, 3rd floor, St 11, Shirdi Sai Nagar, Tarnaka, Secunderabad, 500017.

Petitioner
(Party-in-person)

AND

1. State of Telangana, Law Department, Rep by. Secretary to Government, Legal Affairs, Legislative Affairs and Justice, Law Department, Dr. B.R. Ambedkar Telangana State Secretariat, Saifabad, Hyderabad, Telangana 500022
2. State of Telangana, Registration and Stamps Department, Rep by. Secretary to Govt., Dr. B.R. Ambedkar Telangana State Secretariat, Saifabad, Hyderabad, Telangana 500022
3. Registrar General, High Court of Judicature for State of Telangana, Near Govt. City College, Madina, Charminar, HYDERABAD - 500 066
4. Telangana Advocate Welfare Fund Committee (TAWFC), Rep by. Chairman, Bar Council of Telangana, High Court Premises, Madina Road, Hyderabad, 500066, Email. sectsbc@gmail.com Mobile. 8520078049

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. 1. To declare section 12 of Telangana State Advocates Welfare Fund Act, 1987 i.e. (Mandatory affixing of 100 INR welfare fund stamp on Vakalat) by name Nyayavadula mariyu vari Gumasthala Samkshema Nidhi, thereby Not allowing Advocates to Practice Law without 100 INR payment to Telangana Advocates welfare fund and declare Section 12A (distributing collected 100 welfare fund as 86/100 INR to Telangana Advocates Welfare fund and 14/100 INR to Telangana Advocates Clerks Welfare Fund) as arbitrary, illegal, Ultra vires Section 30 (Right to practice) of Advocates Act 1961 and Ultra Vires Article 14, 19 (1) (C), 19 (1) (g), 31C, 246 (1), 254 (1) of Constitution of India and strike down both section 12 and 12A of the Telangana State Advocates Welfare Fund Act, 1987 2. Consequentially to declare that any Charity or Welfare scheme of any kind cannot be forced or imposed on any citizen or Advocate and Collection of any donation or fee or any welfare fund by whatever name called, by any organization or state, to practice any profession,

cannot be mandatory on any citizen under any pretext of association or welfare, as arbitrary, illegal and Unconstitutional being violative of Article 19 (1) (a), (c) and (g) and 21 of Constitution of India 3. Any other order or orders, this court may deem fit under Article 226 of Constitution of India in the interest of Justice and fair play.

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to Stay section 12 of "Telangana State Advocates Welfare Fund Act, 1987" i.e. (Mandatory affixing welfare fund stamp on Vakalat, as amended from time to time) by name "Nyayavadula mariyu vari Gumasthala Samkshema Nidhi" as it is in violation of Article 31C, 200, 246 (1) & (2), 254 (2) and Ultra Vires Section 6 (2) & (3), Section 30, 33 of Advocates Act 1961 and violates the Principle of Doctrine of Colorable legislation and without legislative competence on part of the Respondent no. 1 (Law Dept., Telangana State) and as arbitrary, illegal, Ultra vires Section Article 14, 19 (1) (C), 19 (1) (g) until the finality of the main Writ, as the said provision imposes irreparable damage & financial burden on the Advocates in the Telangana State unless the Respondent no.1 (Law Dept. Telangana State) gives an undertaking to refund the monies to all Advocates subject to the outcome of the main writ or such other order or orders, this court may deem fit under Article 226 of Constitution of India in the interest of Justice and fair play, pending disposal of WP 13352 of 2025, on the file of the High Court.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct Respondent no. 1 (Law Department, Telangana State) that the stamps affixed on all the Vakalat's filed or will file in future, vide Nyayavadula mariyu vari Gumasthala Samkshema Nidhi" (Advocate Welfare fund stamps, shall be subject to the outcome of this case as I had no choice, but to pay it; and the Respondent No.1 must refund the same to me, as the "Telangana Advocates Welfare Fund Act 1987" is an Unconstitutional legislation, ab-initio, violating Article 245, 246 (1), 14 and 19 (1) (c), 31C, of Constitution of India, pending disposal of WP 13352 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI VIJAY GOPAL (Party-in-person) for the Petitioner, SRI D. SURENDER KUMAR, AGP FOR LAW LEGISLATIVE AFFAIRS for the Respondent No.1, AGP FOR STAMPS AND REGISTRATION for respondent No.2, SRI VIVEK JAIN, Standing Counsel for respondent No.3 and SRI S. ASHOK ANAND KUMAR, Senior Counsel appearing for SRI J. MANIKANTA REDDY, Counsel for respondent No.4, the Court made the following.

ORDER

Today, when the matter is taken-up for hearing, one Pujari Mani Sahith, an enrolled Advocate has moved an implead application i.e. I.A.No.3 of 2025

objecting the writ petition claiming himself to be a beneficiary and seeking impleadment to contest as respondent in opposing the writ petition.

The said implead petition is opposed by the petitioner-in person on the ground that he has already made all the statutory bodies and authorities as party whose action is under challenge and particularly, all the representatives have filed counter and therefore, it should not be permitted to get individual persons being made respondents in opposing the writ petition.

At this juncture, Mr.S.Ashok Anand Kumar, learned Senior Counsel appearing for respondent No.4-Telangana Advocate Welfare Fund Committee, submits that considering the implead petition moved by Mr.Pujari Mani Sahith, there is likelihood of many such other implead petitions come individually and therefore, he suggests it could be more appropriate, if the Bar Associations are informed about the pendency of the present writ petition and challenge of welfare scheme in the present writ petition and informing them all the next date of hearing, so that, if at all, any of the Bar Associations wants, they may either come in support of the petitioner or oppose the petitioner in a representative capacity rather individual lawyers or individual Advocate Clerks appear and contest the case. The said proposal of the learned Senior Counsel appearing for respondent No.4 was accepted by learned counsel appearing for all the other respondents, so also, the petitioner-in-person has not raised any strong objection to it accepting the fact that such implead petitions may only further protract the proceedings.

Considering the nature of the relief sought for and the beneficiaries from the said Welfare Scheme under challenge, we are of the considered opinion that it could be more appropriate, if at least all the Bar Associations and the Advocate Clerks Associations are intimated of such a writ petition being seized by the High Court, so that, if at all anybody wants, they may enter appearance and oppose the same.

Accordingly, we direct respondent No.4-Telangana Advocate Welfare Fund Committee, to ensure publication of a general notice at the notice boards of all the Bar Associations duly registered with the Telangana State Bar Council informing about pendency of the writ petition and the next date of hearing of the present writ petition i.e. 05.02.2026. The notice should also contain that if at all anybody wants to enter appearance in the writ petition they may do so in a representative capacity, individual representatives may not be permissible.

List this matter on 05.02.2026 along with IA.No.3 of 2025.

SD/-S.MALLIKARJUNA RAO
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Secretary to Government, State of Telangana, Law Department, Legal Affairs, Legislative Affairs and Justice, Law Department Dr. B.R. Ambedkar Telangana State Secretariat, Saifabad, Hyderabad, Telangana 500022
2. The Secretary to Govt., State of Telangana, Registration and Stamps Department, Dr. B.R. Ambedkar Telangana State Secretariat, Saifabad, Hyderabad, Telangana 500022.
3. Registrar General, High Court of Judicature for State of Telangana, Near Govt. City College, Madina, Charminar, HYDERABAD - 500 066.
4. The Chairman, Telangana Advocate Welfare Fund Committee (TAWFC), Bar Council of Telangana, High Court Premises, Madina Road, Hyderabad, 500066, Email. sectsbc@gmail.com Mobile. 8520078043.
(RR 1 to 4 by SPAD)
5. One CC to VIJAY GOPAL, Party-in-person, Advocate [DPUC]
6. Two CCs to GP FOR LAW LEGISLATIVE AFFAIRS ,High Court at Hyderabad. [OUT]
7. Two CCs to GP FOR STAMPS AND REGISTRATION ,High Court at Hyderabad. [OUT]
8. Two spare copies

HIGH COURT

PSKJ
&
SCRJ

DATED:11/12/2025

List this matter on 05.02.2026 along with IA.No.3 of 2025.

ORDER

WP.No.13352 of 2025

DIRECTION

