

APHC010248812024



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI**

**Bench
Sr.No:-2
[3483]**

WRIT PETITION NO: 12440 of 2024

Machilipatnam Bar Association and others

...Petitioners

Vs.

The Hon'ble High Court of Andhra Pradesh and others

...Respondents

Advocate for Petitioner:

Mr. Thandava Yogesh

Advocates for Respondents:

Mr. P S P Suresh Kumar, Hemanth
Kumar Vemuri, GP for Law Legislative
Affairs

**CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
SRI JUSTICE RAVI CHEEMALAPATI**

DATE : 21st March, 2025.

PER DHIRAJ SINGH THAKUR, CJ :

The present writ petition has been filed among others by the Machilipatnam Bar Association represented by its President, challenging the Government Order bearing G.O.Rt.No.124, issued by Law (L & LA) (Home-Courts.A) Department, dated 05.02.2024, which envisages shifting of the Court of VI Additional District Sessions Court, Machilipatnam to Avanigadda along with cases arising out of the territorial jurisdiction of Avanigadda along with the staff attached to the VI Additional District Sessions Judge Court at Machilipatnam.

2. The petitioners challenge the Government Order impugned on the grounds firstly that the said Court was dealing with cases pertaining to senior citizens and therefore shifting of the said Court from Machilipatnam to Avanigadda would severely prejudice the interest of the senior citizens, who would be inconvenienced in pursuing their cases at Avanigadda. Secondly, that instead of shifting the Court to Avanigadda, steps should have been taken for setting up a new Court at Avanigadda which would have been in accord with the Apex Court judgment rendered in the case of **All India Judges' Association and others vs. Union of India and others**¹. Thirdly, that Avanigadda was prone to facing floods during rainy seasons which would lead to inconvenience to the litigant public and fourthly, that by shifting of the Court to Avanigadda the lives of the members of the Bar Association would be affected negatively.

3. Counter-affidavits have been filed on behalf of the High Court of Andhra Pradesh – R5 as also the Principal District and Sessions Judge of Krishna District – R2. The stand taken in the affidavits is that the shifting of the VI Additional District Sessions Court from Machilipatnam to Avanigadda could neither be said to be irrational nor arbitrary, but was ordered with a view to address the inconvenience which the litigants from the Avanigadda area were facing in pursuing their cases at Machilipatnam.

4. It is stated that on 17.09.2022, the Avanigadda Bar Association had made a requisition requesting the shifting of the said Court from

¹ (2002) 4 SCC 247

Machilipatnam to Avanigadda. The District and Sessions Judge of Krishna District at Machilipatnam had also expressed the view that there was need to have a Court of District and Sessions Judge at Avanigadda. The Machilipatnam Bar Association, it appears, then gave a representation that a new Additional District Court may be established at Avanigadda rather than shifting one of the Courts from Machilipatnam.

5. It is stated that the High Court having considered the representation, dated 17.09.2022, submitted by the Bar Association, Avanigadda and the representation, dated 16.02.2023, submitted by the Bar Association, Machilipatnam and having also considered the remarks of the Principal District Judge, Krishna District resolved that the Court of VI Additional District Sessions Judge's Court, Machilipatnam be shifted to Avanigadda. It was also resolved that the cases of senior citizens would be tried by another Additional District and Sessions Court at Machilipatnam. The said proposal it is stated was then sent to the Government which in turn issued the Government Order impugned.

6. According to the affidavit filed by the Principal District Judge of Krishna District, the cases of senior citizens which were earlier been dealt with by the VI Additional District and Sessions Court at Machilipatnam are now been dealt with by the IX Additional District and Sessions Court, Machilipatnam.

7. We have heard learned counsel for the parties.

8. It can be seen from the record that the High Court appears to have made a decision to shift the Court from Machilipatnam to Avanigadda, purely considering the convenience of litigants who were filing their cases at Machilipatnam, but who otherwise belong to the seven Mandals of Avanigadda, namely Nagayalanka, Koduru, Avanigadda, Mopidevi, Challapalli, Ghantasala, and Movva.

9. It appears that, as of December 2022, approximately 490 cases in various categories, which originated from the 7 mandals, were pending. By the time the affidavits were filed in the present petition, the number of pending cases had risen to 615.

10. The concern of the Bar members that the shifting of the Court to Avanigadda would affect the interests of senior citizens also does not have any sound basis, as all these cases will still be dealt with by the IX Additional District and Sessions Judge's Court, Machilipatnam.

11. It is worth mentioning that the distance between Avanigadda and Machilipatnam is approximately 35 km. Litigants from the Avanigadda area would be relieved from having to traverse that distance to file their cases on each and every date of hearing. The justice dispensation system exists for the benefit of litigants, whose convenience and concerns weigh with the higher judiciary in taking decisions, including the decision regarding the shifting of the Court. While it is true that advocates affiliated with the Bar Association in Machilipatnam would now have to travel to Avanigadda, when considering the

balance of convenience, we believe the convenience of the litigants would weigh more than that of the advocates.

12. It is not out of place here to mention that the Advocates' profession has been considered to be a noble one, where personal financial interests and convenience are secondary to the main goal of rendering justice to those in need. In the present case, while the shifting of the Court to Avanigadda would lead to some inconvenience to the advocates at Machilipatnam, yet, in our opinion, the interest of the litigants would be subserved upon such a shifting.

13. While we agree with the argument of the learned counsel for the petitioners that the judge-to-population ratio is abysmally low in our country and needs to be increased by expanding the cadre strength of judges at various levels, yet until the desired results are achieved, one cannot ignore the short-term measures that are required, as have been taken in the instant case.

14. The apprehension expressed by the learned counsel for the petitioners that Avanigadda is a flood prone area and that the shifting of the Court would affect the working of the said Court at Avanigadda, is also an argument which has been contested by the counsel for the respondent, who state that the last major floods in that region occurred approximately 45 years ago, and that the situation has not been so bad since, as would make the operation of the Court at Avanigadda impossible.

15. Having heard learned counsel for the parties, we feel that G.O.Rt.No.124, issued by Law (L & LA) (Home-Courts.A) Department, dated 05.02.2024, warrants no interference. The present writ petition is found to be without any merit and is, accordingly, dismissed.

No order as to costs. Pending miscellaneous applications, if any, in this petition, shall stand closed.

DHIRAJ SINGH THAKUR, CJ.

RAVI CHEEMALAPATI, J.

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