

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**MONDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT PETITION NO: 30019 OF 2023

Between:

Ch.Veera Reddy, S/o. Late Venkata Reddy, Aged about 58 Years,
Occupation Government Employee, R/o H.No. 2-19, Nallapadu,
Ankireddypalem, Guntur, Andhra Pradesh-522005

...PETITIONER

AND

1. Institution of Lokayukta of Telangana, Represented by Registrar, 5-9-49,
Basheer Bagh, Hyderabad, Telangana 500063
2. The District Collector, O/o. District Collector, Khammam Khammam District
3. Telangana State Housing Corporation Limited, Represented by its Managing
Director 3-6-184, Street 17, Urdu Galli, AP State Housing Board,
Himayatnagar, Hyderabad, Telangana 500029
4. Ch.Pullayya, S/o. Gopayya, Annapureddypalli Village, Chandrugonda mandal,
Khammam District, 507316

...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 Certiorari or any other writ, order or direction calling for records in Complaint No. 4633/2013/B1 on the file of Respondent No.1 and setting aside Respondent No.1 s Impugned Order dt.14/12/2020 in Complaint No. 4633/2013/B1 as being illegal, arbitrary, void, against the provisions of Telangana Lokayukta Act, 1983, violative of principles of natural justice, violative of Article 300A of Constitution of India and consequently direct Respondent No.3 to transfer the amount of Rs.82,200/- remitted to the account of Respondent No.3 by

Executive Engineer, PR VandQC Division, Parchur through Demand Draft bearing No. 997145 dated 07/07/2023 of SBI Branch, Chirala to Executive Engineer, PR V and QC Division, Parchur for payment to Petitioner.

IA NO: 2 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.3 not to appropriate the money received from Executive Engineer, PR V and QC Division, Parchur through Demand Draft bearing No. 997145 dated 07/07/2023 of SBI Branch, Chirala.

Counsel for the Petitioner: SRI PARIKSHITH KUTUR

Counsel for the Respondent No.1: PADALA PRAVIN KUMAR

Counsel for the Respondent No.2: GP FOR REVENUE

Counsel for the Respondent No.3: SRI B. SHIVA KUMAR, SC

Counsel for the Respondent No.4:---

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION No.30019 of 2023

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Kutur Parikshith, learned counsel for the petitioner.

Ms. K.Mahalakshmi, learned counsel representing Mr. Padala Pravin Kumar, learned counsel for the respondent No.1.

2. With the consent of the learned counsel for the parties, the writ petition is heard finally.

3. In this writ petition, the petitioner has assailed the validity of the order dated 14.12.2020 passed by the Lokayukta by which a direction has been issued to the Chief Secretaries of Telangana and Andhra Pradesh to take appropriate action and steps to recover Rs.82,200/- with interest from the petitioner.

4. Section 2(a) and (b) as well as Section 7 of the Telangana Lokayukta Act, 1983, read as under:

"2. Definitions:- (a) '*action*' means an administrative action taken by a public servant by way of decision, recommendation or finding or in any other manner, and includes any omission and commission and failure to act in connection with or arising out of such action; and all other expressions connecting action shall be construed accordingly.

(b) '*allegation*' in relation to a public servant means any affirmation that such public servant –

- (i) has abused his position as such, to obtain any gain or favour to himself or to any other person, or to cause undue harm or hardship to any other person;
- (ia) has failed to discharge the functions attached to his post.
- (ii) was actuated in the discharge of his functions as such public servant by improper or corrupt motive and thereby caused loss to the State or any member or section of the public; or
- (iii) is guilty of corruption, or lack of integrity in his capacity as such public servant.

.....

7. (1) Subject to the provisions of this Act, the Lokayukta may investigate any action which is taken by, or with the general or specific approval of, or at the behest of,-

- (i) a Minister or a Secretary; or
- (ii) a Member of either House of the State Legislature; or

(iii) a Mayor of the Municipal Corporation constituted by or under the relevant law for the time being in force; or

(iii-a) a Vice Chancellor or a Registrar of a University;

(iv) any other public servant, belonging to such class or section of public servants, as may be notified by the Government in this behalf after consultation with the Lokayukta, in any case where a complaint involving an allegation is made in respect of such action, or such action can be or could have been, in the opinion of the Lokayukta, the subject of an allegation.

(2) Subject to the provisions of this Act, the Upa-Lokayukta may investigate any action which is taken by, or with the general or specific approval of, any public servant, other than those referred to in sub-section (1), in any case where a complaint involving an allegation is made in respect of such action, or such action can be or could have been, in the opinion of the Upa-Lokayukta, the subject of an allegation.

(3) Notwithstanding anything in sub-section (2), the Lokayukta may, for reasons to be recorded in writing, investigate any allegation in respect of an action which may be investigated by the Upa-Lokayukta under that sub-section, whether or not complaint has been made to the Lokayukta in respect of such action.

(4) Where two or more Upa-Lokayuktas are appointed under this Act, the Lokayukta may by general or

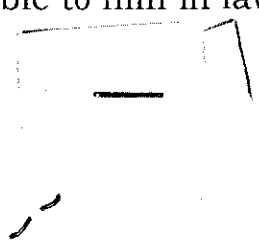
special order, assign to each of them matters which may be investigated by them under this Act:

Provided that no investigation made by the Upa-Lokayukta under this Act and no action taken or thing done by him in respect of such investigation shall be called in question on the ground only that such investigation relates to a matter which is not assigned to him by such order."

5. From a perusal of the aforesaid provisions, it is evident that the action can be taken in respect of the complaint as defined under Section 2(a) of the Telangana Lokayukta Act, 1983.

6. Thus, it is evident that the Lokayukta has no authority to pass the impugned order, as the same is outside its purview.

7. Therefore, the impugned order dated 14.12.2020 is quashed and the writ petition is allowed. However, liberty is reserved to the complainant to take recourse to such remedy as may be available to him in law.



Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

SD/-K. SREERAMA MURTHY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Registrar, Institution of Lokayukta of Telangana, 5-9-49, Basheer Bagh, Hyderabad, Telangana 500063
2. The District Collector, O/o. District Collector, Khammam Khammam District
3. The Managing Director Telangana State Housing Corporation Limited, 3-6-184, Street 17, Urdu Galli, AP State Housing Board, Himayatnagar, Hyderabad, Telangana 500029
4. One CC to Sri Parikshith Kuttur, Advocate [OPUC]
5. One CC to Sri Padala Pravin Kumar, Advocate [OPUC]
6. One CC to Sri B. Shiva Kumar, SC[OPUC]
7. Two CCs to The GP for Revenue, High Court for the State of Telangana, at Hyderabad[OPUC]
8. Two CD Copies

TJ
LS

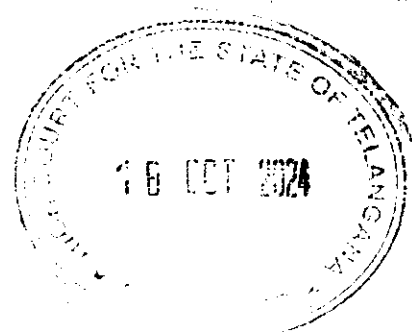
8

HIGH COURT

DATED:02/09/2024

ORDER

WP.No.30019 of 2023



**ALLOWING THE WRIT PETITION
WITHOUT COSTS**

⑪ Copies
Sm
7/10/24