

[3418]

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

WEDNESDAY, THE TWENTY FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

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

WRIT PETITION NO: 27932 OF 2010

Between:

The A.P. Housefed, Rep. by its Managing Director D.No. 1-8-1/B/26,
Baghlingampally, Hyderabad - 500 044.

...PETITIONER

AND

1. Akella Suryanarayana Murthy, S/o. Late Krishna Murthy R/o. D.No. 3-48, Sri Rama Co-operative Colony, Purushottapuram.
2. Sri Rama Co-operative Building Society, Rep. by its Person in Charge appointed by the Co-op. Dept. Daba Gardens, Visakhapatnam - 531 173.
3. Institution of Andhra Pradesh Lokayukata / Upa-Lokayukata, Basheerbagh, Hyderabad - 63.

...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 appropriate order or direction or Writ more particularly a writ in the nature of Certiorari to call for the records and to quash orders dated 16-09-2010 in Complainat No. 881 / 2010 / B1 passed by the 3rd Respondent herein and to declare the samed as illegal arbitrary contrary to the natural justice.

I.A. NO: 2 OF 2010(WPMP. NO: 35623 OF 2010)

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 suspend the order passed by the 3rd Respondent dated 16-09-2010 in Complainat No. 881 / 2010 / B1 on the file of Institution of Andhra Pradesh Lokayukata, Basheerbagh, Hyderabad, pending disposal of the main Writ Petition.

I.A. NO: 1 OF 2010(WVMP. NO: 5549 OF 2010)

Between:

Akella Suryanarayana Murthy, S/o. Late Krishna Murthy R/o. D.No. 3-48, Sri Rama Co-operative Colony, Purushottapuram,

**...PETITIONER/RESPONDENT No.1/
RESPONDENT**

AND

1. The A.P. Housefed, Rep. by its Managing Director D.No. 1-8-1/B/26, Baghlingampally, Hyderabad - 500 044.

**...RESPONDENT/PETITIONER/
WRIT PETITIONER**

2. Sri Rama Co-operative Building Society, Rep. by its Person in Charge appointed by the Co-op. Dept. Daba Gardens, Visakhapatnam - 531 173.
3. Institution of Andhra Pradesh Lokayukata / Upa-Lokayukata, Basheerbagh, Hyderabad - 63.

**...RESPONDENTS/
RESPONDENTS/RESPONDENTS**

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 vacate the suspension granted in WPMP No. 35623/2010 in WP No. 27932/2010 dated 12-11-2010

**Counsel for the Petitioner: SRI ARAVINDU MATURI
Counsel for the Respondent No.1: SRI ERANKI PHANI KUMAR
Counsel for the Respondent No.3: SRI P.V.VIDYASAGAR
Counsel for the Respondent No.2: ---**

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.27932 of 2010

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

None for the parties.

2. In this writ petition, the petitioner has assailed the validity of the order dated 16.09.2010, by which Lokayukta has directed the appellant to release the document in favour of the respondent No.1 and report compliance.

3. 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."

4. Thus, 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. The aforesaid Act does not authorize the Lokayukta to direct the appellant to release the document in favour of the respondent No.1. The impugned order is, therefore, quashed.

5. In the result, the Writ Petition is allowed.

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

SD/- T. JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Managing Director, T.S. Housefed, D.No. 1-8-1/B/26, Baghlingampally, Hyderabad - 500 044.
2. Institution of Telangana Lokayukata / Upa-Lokayukata, Basheerbagh, Hyderabad - 63.
3. One CC to SRI ARAVINDU MATURI Advocate [OPUC]
4. One CC to SRI ERANKI PHANI KUMAR, Advocate [OPUC]
5. One CC to SRI P.V.VIDYASAGAR, Advocate [OPUC]
6. Two CD Copies

PSK.
KKS



HIGH COURT

DATED:21/08/2024

ORDER

WP.No.27932 of 2010



**ALLOWING THE WRIT PETITION
WITHOUT COSTS.**

(9) v/w
27/9/24