

[3418]

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: 33952 OF 2023

Between:

Smt. Bandela Sandhya Rani, W/o: B.Sudhaker reddy, Age 44yrs,
Occ. Agriculture R/o Chandradana Village, Talakondapally Mandal, Ranga
Reddy District.

...PETITIONER

AND

1. The State of Telangana, Revenue Department represented by its Principal Secretary, Secretariat, Hyderabad.
2. The Lokayuktha of Telangana State, H.No. 5-9-49, Basher Bagh, Hyderabad, Represented by its Registrar.
3. The Municipality, Kalwakurthy Town, Nagarkurnool District, Represented by its Commissioner.
4. The District Collector, Nagarkurnool District, Nagarkurnool.
5. The Assistant Panchayat officer, Nagarkurnool District, Nagarkurnool.
6. Sri. Abdul Hafiz, S/o Sri. Abdul Raheem, Age. yrs, Occ Vice president of Supriya Foundation, R/o H.No.9-109, J.L.B.Road, Kalwakurthy town, Nagarkurnool District.

...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 an appropriate writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned order dated 24-11-2022 in complaint No.4291/2013/B1 on the file of Hon'ble Lokayukta, Telangana State, Hyderabad as illegal, arbitrary, violation of principles of natural justice and also violation of Article 14 and 21 and article 300-A of Constitution of India and

consequently direct the respondents 3 to 5 not to interfere into possession and enjoyment of the petitioner over her plot.

IA NO: 1 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 stay the impugned order dated 24-11-2022 in complaint No.4291/2013/B1 on the file of Hon'ble Lokayukta, Telangana State, Hyderabad and its consequential proceedings initiated by respondents 4 and 5 during the pendency of writ petition.

Counsel for the Petitioner: SRI M. SAROJ REDDY

Counsel for the Respondent Nos.1 and 4: GP FOR REVENUE

Counsel for the Respondent No.2: M/S. SARADA, SC

Counsel for the Respondent No.3: SRI M. RAM MOHAN REDDY, SC

Counsel for the Respondent No.5: GP FOR PANCHAYAT RAJ

Counsel for the Respondent No.6: SRI ANIRUDH SADHU

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.33952 of 2023

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

Mr. M.Saroj Reddy, learned counsel for the petitioner.

Mr. Anirudh Sadhu, learned counsel for the respondent No.6.

2. With the consent of the learned counsel for the parties, the matter is heard finally.
3. In this writ petition, the petitioner has assailed the validity of the order dated 24.11.2022 passed by the Lokayukta by which the Collector, Nagarkurnool District and the District Panchayat Officer, Nagarkurnool, were directed to consider the cancellation of sale deeds or collecting the value of land from the private persons and also initiate criminal proceedings against the responsible persons.

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. Thus, from a perusal of the aforesaid provisions, it is evident that the Lokayukta has no jurisdiction to deal with the complaint and to pass the impugned order.

6. Accordingly, the impugned order dated 24.11.2022 is quashed and the writ petition is allowed. However, liberty is reserved to the respondent No.6 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 Principal Secretary, Revenue Department Secretariat, The State of Telangana, Hyderabad.
2. The Registrar, The Lokayuktha of Telangana State, H.No. 5-9-49, Basher Bagh, Hyderabad.
3. The Commissioner, The Municipality, Kalwakurthy Town, Nagarkurnool District.
4. The District Collector, Nagarkurnool District, Nagarkurnool.
5. The Assistant Panchayat officer, Nagarkurnool District, Nagarkurnool.
6. One CC to Sri M. Saroj Reddy, Advocate [OPUC]
7. One CC to Sri Anirudh Sadhu, Advocate[OPUC]
8. One CC to M/s. P. Sarada, SC[OPUC]
9. One CC to Sri M. Ram Mohan Reddy, SC[OPUC]
10. Two CCs to The GP for Panchayat Raj, High Court for the State of Telangana, at Hyderabad[OPUC]
11. Two CCs to GP for Revenue, High Court for the State of Telangana, at Hyderabad [OUT]
12. Two CD Copies

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HIGH COURT

DATED:02/09/2024

ORDER

WP.No.33952 of 2023



ALLOWING THE WRIT PETITION
WITHOUT COSTS

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8/10/24