

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

**TUESDAY, THE SEVENTH DAY OF JANUARY  
TWO THOUSAND AND TWENTY FIVE**

**PRESENT**

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

**WRIT PETITION NO: 32828 OF 2017**

**Between:**

The Chairman and Managing Director, The Singareni Collieries CO.LTD.,  
Company Ltd, Singareni Bhavan, Red Hills, Hyderabad.

**...PETITIONER**

**AND**

1. The Office Of The Lok Ayukta rep. by Registrar, Lokayukta for the States of Andhra Pradesh and Telangana, # 5-9-49, Basheerbagh, Hyderabad.
2. Sri Y.Prem Kumar, R/ o. H.No.4-6-150, Bajan Mandir,, CR Basthi, Kothagudem - 507 101, Khammam 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 appropriate writ,, order or direction, particularly a writ of Certiorari calling for the records pertaining to order dt. 11-08-2017 passed in Complaint No. 551/2016/B1 by the 1st Respondent and quash the same holding it as arbitrary, illegal and unconstitutional.

**I.A. NO: 2 OF 2017(WPMP. NO: 40820 OF 2017)**

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 operation of the Order dated 11-08-2017 passed in Complaint No. 551/2016/B1 by the Respondent No. 1, pending disposal of the writ petition in the interest of justice.

**I.A. NO: 1 OF 2017(WVMP. NO: 4927 OF 2017)**

**Between:**

Sri Y.Prem Kumar, R/ o. H.No.4-6-150, Bajan Mandir,, CR Basthi,  
Kothagudem - 507 101, Khammam District.

**AND**

**...PETITIONER**

1. Shri. Sutritha Battacharya, IAS EX CMD The Singareni Collieries Company Ltd, Singareni Bhavan, Red Hills, Hyderabad.
2. The Office Of The Lok Ayukta rep. by Registrar, Lokayukta for the States of Andhra Pradesh and Telangana, # 5-9-49, Basheerbagh, Hyderabad.

**(2<sup>nd</sup> Respondent not necessary party to this petitione)**

**...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 to vacate the interim orders passed in WP No. 32828 of 2017 dt. 22.09.2017 pending disposal of the above writ petition.

**Counsel for the Petitioner: SRI BOBBILI SRINIVAS, REPRESENTS  
SRI NANDIGAM KRISHNA RAO**

**Counsel for the Respondents: NONE APPEARED**

**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.32828 of 2017**

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

Mr. Bobbili Srinivas, learned counsel represents Mr. Nandigam Krishna Rao, learned counsel for the petitioner.

None for the respondents.

2. In this writ petition, the petitioner has assailed the validity of order dated 11.08.2017 passed by the office of Lokayukta on the complaint filed by respondent No.2.

3. Facts giving rise to filing of this petition briefly stated are that the petitioner is the Singareni Collieries Company Limited, Bellampalli Area (hereinafter referred to as "the Company") represented by its Chairman and Managing Director. The Company is a Government Company within the meaning of Section 2 of the Companies Act, 2013, and is engaged in the work of exploration, excavation, extraction and winning of coal in six districts in the State

of Telangana. Respondent No.2 filed a complaint against the petitioner Company on 17.02.2016 *inter alia* on the ground that the petitioner is responsible for the illegalities in production, sale and transportation of coal in Bellampalli Area. Thereupon, the office of Lokayukta has entertained the complaint submitted by respondent No.2 and directed the Director Investigation of Lokayukta to carry out an investigation and submit the report.

4. Section 2(a), 2(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 subsection (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 action can be taken by the Lokayukta in respect of a complaint as defined under Section 2(a) of the Telangana Lokayukta Act, 1983. The aforesaid Act does not authorize the Lokayukta to take action against any alleged irregularity in the sale or transportation of the coal. The impugned order is therefore *per se* without jurisdiction. The same is therefore, quashed. However, liberty is reserved to respondent No.2 to take recourse to such remedy as may be available to him in law with regard to his grievance.

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6. Accordingly, the writ petition is disposed of.

Miscellaneous petitions, pending if any, stand closed.

There shall be no order as to costs.

**SD/-S. MALLIKARJUNA RAO  
ASSISTANT REGISTRAR**

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**SECTION OFFICER**

To,

1. The Office Of The Lok Ayukta rep. by Registrar, Lokayukta for the States of Andhra Pradesh and Telangana, # 5-9-49, Basheerbagh, Hyderabad.
2. One CC to Sri Nandigam Krishna Rao, Advocate [OPUC]
3. Two CD Copies

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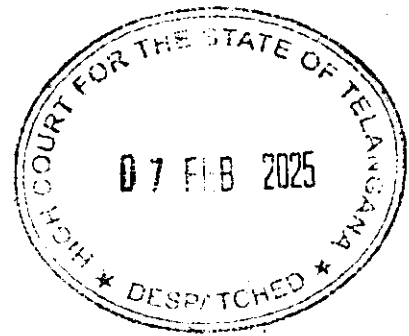
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**HIGH COURT**

**DATED:07/01/2025**

**ORDER**

**WP.No.32828 of 2017**



**DISPOSING OF THE WRIT PETITION  
WITHOUT COSTS**

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28/1/25