

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

MONDAY, THE THIRD DAY OF JUNE
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND**

THE HONOURABLE SHRI JUSTICE ANIL KUMAR JUKANTI

WRIT PETITION NO: 11812 OF 2017

Between:

1. Department of Animal Husbandry, Dairy Development and Fisheries, Rep. by its District Collector, Karimnagar, Karimnagar District.
2. The Assistant Director of Fisheries, Karimnagar, Karimnagar District.

.....PETITIONERS/RESPONDENTS

AND

1. The Hon'ble A.P., UPA-LOKAYUKTHA at Hyderabad, Basheerbagh, Hyderabad.

.....RESPONDENT/RESPONDENT

2. Polsani Jagannatha Reddy, S/o. Ram Reddy, Aged about 72 years, Occ Agriculturist, R/o. Papaibpalli, H/o. Keshavapuram (V), Shankarapatnam (M), Karimnagar District.

.....RESPONDENT/PETITIONER

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 by calling for the records pertaining to order in Complaint No.1625/2013/B2, dated.25.03.2014 on the file of 1st respondent and quash the same as arbitrary, illegal without jurisdiction and against the settled principles of law.

I.A.NO:1 OF 2017 (WPMP.NO:14713 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 order in Complaint No.1625/2013/B2, dated 25.03.2014 on the file of the 1st respondent.

Counsel for the Petitioners : GP FOR FISHERIES

Counsel for the Respondent No.1 : SRI RAVINDRA YANAMANDRA

Counsel for the Respondent No.2 : SRI B.NARASIMHA SARMA

The Court made the following ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE ANIL KUMAR JUKANTI

WRIT PETITION NO.11812 OF 2017

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

In this Writ Petition, the petitioner has assailed the validity of the order, dated 25.03.2014 passed by the Lokayukta, by which the Lokayukta has observed that the petitioner has not followed the procedure while acquiring the land belonging to the respondent and directed the petitioner to initiate the proceedings for acquisition of the land.

2. Section 2 (a) and (b) as well as Section 7 of the Telangana Lokayukta Act, 1983, reads 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

www.ecourtsindia.com

- www.ecourtsindia.com

www.ecourtsindia.com

www.ecourtsindia.com

www.ecourtsindia.com

www.ecourtsindia.com

www.ecourtsindia.com

- www.ecourtsindia.com

www.ecourtsindia.com

www.ecourtsindia.com

HIGH COURT

DATED:03/06/2024

ORDER

WP.No.11812 of 2017



**ALLOWING THE W.P
WITHOUT COSTS.**

10
16/24
Bsr