# 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**

 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. Papaiabpalli, 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 1<sup>st</sup> 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 –

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- 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;
- has failed to discharge the functions attached to his post.
- (ii) was actuated in the discharge of his functions as such public servant 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 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 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."

3. Thus, from a perusal of the aforesaid provisions, it is evident that the action can be taken in respect of complaint

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as defined under Section 2(a) of the Telangana Lokayukta

Act, 1983. The aforesaid Act does not authorize the

Lokayukta to deal with an issue with regard to the validity

of the proceedings initiated under the Land Acquisition Act,

1894.

- 4. The impugned order is, therefore, quashed.
- 5. In the result, the Writ Petition is allowed.

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

#### SD/- P. PADMANABHA REDDY ASSISTANT REGISTRAR

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**SECTION OFFICER** 

To

- The Hon'ble A.P., UPA-LOKAYUKTHA at Hyderabad, Basheerbagh, Hyderabad.
- 2. The District Collector, Department of Animal Husbandry, Dairy Development and Fisheries, Karimnagar, Karimnagar District.
- 3. The Assistant Director of Fisheries, Karimnagar, Karimnagar District.
- **4.** Two CC's to G.P For Fisheries, High Court for the State of Telangana at Hyderabad. (OUT)
- 5. One CC to Sri Ravindra Yanamandra, Advocate [OPUC]
- 6. One CC to Sri B.Narasimha Sarma, Advocate [OPUC]
- 7. Two CD Copies

SA KKS



HIGH COURT

DATED:03/06/2024

ORDER
WP.No.11812 of 2017



ALLOWING THE W.P WITHOUT COSTS.

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