

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

PUBLIC INTEREST LITIGATION No.117 OF 2014

DATED: 20.04.2015

Between:

P.Lakshmi Reddy

... Petitioner

and

The Chief Engineer (R&B), Buildings, Government of Andhra Pradesh

and others

... Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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PUBLIC INTEREST LITIGATION No.117 of 2014

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ORDER: (per the Hon'ble Sri Justice Sanjay Kumar)

This Public Interest Litigation was instituted by an advocate of Proddatur Town, YSR Kadapa District with the following prayer:

“For the reasons stated in the accompanying affidavit the petitioner herein prays that this Hon’ble Court be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the inaction on the part of the respondents in taking action against the concerned authorities who acted in a negligent and arbitrary manner in performing their official duties while preparing the estimates and sending proposal to the State Government for construction of new Court complex at Proddatur, YSR Kadapa District; and thereafter raising the construction cost of first phase of work from the initial estimated amount of Rs.4.60 crores to Rs.5.90 crores without any proper justification as illegal, arbitrary, unjustified and consequently direct the respondents to prevent any wastage or mismanagement of public funds in completing the said court complex and pass such other order or orders may deem fit and proper in the circumstances of the case.”

Notice having been ordered, the Registrar (Management), High Court of Judicature for the State of Telangana and the State of Andhra Pradesh filed a counter-affidavit stating that initially an estimate was drawn up at Rs.4,60,50,000/- for the stilt and first floor of the new court complex and the same was sanctioned vide G.O.Rt.No.631 dated 28.03.2008. Thereafter, a revised estimate was drawn up taking into account the proposed second floor in the new court complex for an amount of Rs.2,63,00,000/-. This additional amount was sanctioned by the Government vide G.O.Ms.No.8 dated 17.01.2011.

No reply affidavit is filed by the petitioner rebutting these averments.

The averments in the counter-affidavit manifest that the amounts estimated by the Engineering Department of the State were accepted by the authorities concerned and the amounts were sanctioned as long back as in the years 2008 and 2011. Though this Public Interest Litigation was filed in the year 2014, the sanction orders of the Government were not even challenged. The prayer

reflects that the grievance of the petitioner was only with regard to the preparation of the estimates. However, once the said estimates were accepted and acting thereupon, amounts were also sanctioned by the State which is not even under challenge before us, we are unable to entertain this Public Interest Litigation.

In the light of the afore-stated facts, this Public Interest Litigation is dismissed.

Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

K.J. SENGUPTA, CJ

20th APRIL, 2015.

SANJAY KUMAR, J

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