HIGH COURT OF JUDICATURE AT HYDERABAD

FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

PUBLIC INTEREST LITIGATION No. 225 OF 2014

DATE: 20.04.2015

Between:

Gora Rajendra Prasad

… Petitioner

And

The State of A.P., rep., by its Principal Secretary,

Home Department,

Hyderabad & others.

… Respondents

This Court made the following:

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

PUBLIC INTEREST LITIGATION No. 225 of 2014

ORDER: (Per the Hon'ble the Chief Justice Sri Kalyan Jyoti Sengupta)

This writ petition has been filed for issuance of writ of Mandamus directing the official respondents to investigate into the allegation made by the petitioner with

regard to the assets acquired disproportionate to known source of income against unofficial respondent Nos.4 and 5, and further initiate disciplinary action on conviction of respondent No.4 in C.C.Nos.35 and 36 of 2008.

Respondent Nos.4 and 5 filed counter affidavits. The sum and substance of the allegation made in the writ petition is that respondent Nos.4 and 5 have acquired assets, description of which has been given in the written complaint, which are disproportionate to the known source of income. As far as the second limb of prayer for taking action on conviction as recorded by the department is concerned, we think at the instance of the petitioner, who is a busy body, departmental action cannot be taken, and it can be taken by the disciplinary authority if they think so. The department may look into this aspect. However, we find that an appeal has been preferred against the conviction and sentence and the learned appellate Court has suspended the same. Under these circumstances, until the appeal is disposed of the conviction and sentence of the learned trial Judge cannot be taken note of.

However, we note the statements and averments made with regard to acquisition of various properties owned by the unofficial respondents, which require to be examined.

In the counter affidavit the 3rd respondent has stated that already action has been taken in this matter. However, it has not reached its logical conclusion.

Learned counsel for the 3rd respondent submits that his client will complete the investigation within two months from date.

Under these circumstances, the writ petition is disposed of by the following order.

The 3rd respondent shall complete the investigation into the allegation made by the petitioner within a period of two months from the date of receipt of a copy of this order. While doing so, the explanation given in the affidavits filed by respondent Nos.4 and 5 should have been considered. Therefore, the learned lawyer for respondent Nos.4 and 5 shall supply copies of such affidavits to the learned lawyer for the 3rd respondent in course of day after tomorrow. On receipt of the same, the 3rd respondent shall take all lawful measures for

completing the investigation. On investigation if any prima facie case of acquisition of disproportionate assets is found then obviously steps is to be taken in accordance with law.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

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K.J. SENGUPTA, CJ

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SANJAY KUMAR, J

Date: 20.04.2015

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