

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

(Special Original Jurisdiction)

PRESENT

THE HON'BLE THE
CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.32075 OF 2014

-
DATED: 09-02-2015

Between:

J. Bhanumurthy

.. Petitioner

And

Institution of Upa-Lokayukta for the States
Of Andhra Pradesh and Telangana rep. by
Its Registrar, Hyderabad and others

.. Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT PETITION NO.32075 OF 2014
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ORDER: (per Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

This writ petition was filed impugning the order of the Upa-Lokayukta dated 20.08.2014 passed on the complaint made by respondents 4 and 5 against the petitioner. Despite service of notice, respondents 4 and 5 have not come before this Court.

Learned counsel for the petitioner submitted that the impugned order was passed by the learned Upa-Lokayukta without serving any notice and behind the back of the petitioner and that going by the provisions of law, the learned Upa-Lokayukta has no jurisdiction to give a direction to initiate criminal prosecution against a public servant.

No one appears on behalf of the learned Upa-Lokayukta despite service of notice.

We find force in the submission of the learned counsel for the petitioner that the learned Upa-Lokayukta has no jurisdiction by provision of law to issue a direction to the District Collector to initiate criminal proceedings against a public servant, more so, it has been done behind the back of the petitioner. The impugned order was passed without affording any opportunity to the petitioner to controvert the complaint. We accordingly set aside the order of the learned Upa-Lokayukta. However, it is open to respondents 4 and 5, if so advised, to approach the appropriate forum for taking action.

The writ petition is accordingly allowed. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

09-02-2015

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