

IN THE 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

WRIT PETITION No. 33647 of 2010

Date: 03.03.2015

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Between:

The Commissioner,
Wanaparthi Municipality, Wanaparthi,
Mahaboobnagar District.

... Petitioner

And

The Institution of Andhra Pradesh Lokayukta and
Upalokayukta, rep., by its Registrar,
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**

WRIT PETITION No. 33647 of 2010

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

Ms. Archana, learned counsel, appears on behalf of Smt. J. Vijayalakshmi, learned counsel for the unofficial respondents and she is well acquainted with the facts and circumstances of the case, as we understood from her arguments.

This writ petition has been filed challenging the order of the Hon'ble Lokayukta, who directed the petitioner – Commissioner, Wanaparthy Municipality, Mahaboobnagar District, to make payment in connection with the works done by the 2nd respondent, who died during the pendency of the matter, and now represented by his heirs and legal representatives, namely, sole widow and two daughters

Going by the impugned order we think that the Hon'ble Lokayukta has no jurisdiction to adjudicate the money claims or to give a direction for payment like a civil Court. We are conscious of this legal position. However, that does not mean that we cannot do something legally.

Having regard to the core dispute, we direct the Commissioner to give notice to the substituted unofficial respondents, and taking note of the finding and observation of the Hon'ble Lokayukta and also considering the records and hearing them if he finds any amount is due and payable then the same shall be paid with interest @ 9% per annum

from the date of the money becoming due to the unofficial respondents. In the event, the Commissioner finds that there is no due then reasons shall be recorded in his decision and in that case it would be open for the unofficial respondents to approach the appropriate civil Court. If such approach is required to be made then appropriate Court shall consider the matter taking note of the period of pendency of the matter before the Hon'ble Lokayukta, which has no jurisdiction to decide the dispute, and also the time during which the matter is pending before us and before the Commissioner in terms of our order. The entire exercise shall be completed by the Commissioner within a period of eight weeks from the date of communication of this order. We desire that engagement of Ms. Archana, learned counsel, should be regularized by the unofficial respondents.

The writ petition is accordingly disposed of.

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

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

Date: 03.03.2015
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