

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

MONDAY, THE TWENTY THIRD DAY OF MARCH,  
TWO THOUSAND AND FIFTEEN

:PRESENT:

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

PIL .NO: 59 of 2015

Between:

T. Dhangopal Rao S/o. T.Y.Rao

Occ: Human Rights Defender, R/o. H.No.20-1-696,  
Shivnagar, Post Bahadurpura, Hyderabad District.

**..... Petitioner**

AND

- 1 Union of India, Through its Secretary, Ministry of Law and Justice,  
Shastri Bhawan, New Delhi.
- 2 State of Telangana, Through its Chief Secretary, Secretariat, Hyderabad.
- 3 State of Andhra Pradesh, Through its Chief Secretary, Secretariat,  
Hyderabad.
- 4 The Registrar (Vigilance), High Court of Judicature at Hyderabad for the  
State of Telangana and the State of Andhra Pradesh.  
**(R4 is deleted from the array of parties as per court order dated 16-03-  
2015 in PIL)**

**.....Respondents**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a Writ order or direction, more particularly one in the nature of Writ of Mandamus, declaring the Act of the 3<sup>rd</sup> Respondent in delaying concurrence with 2<sup>nd</sup> Respondent in the Constitution of Separate High Courts of 2<sup>nd</sup> and 3<sup>rd</sup> Respondent States under Article 214 of the Constitution of India read with section 32 of The Andhra Pradesh Reorganisation Act, 2014 as illegal, arbitrary and void, and direct the Respondents 3 and 4 to immediately send their replies of assent to the 1<sup>st</sup> Respondent for initiating the process of Constitution of Separate High Courts of 2<sup>nd</sup> and 3<sup>rd</sup> Respondent States under Article 214 of the Constitution of India read with section 32 of The Andhra Pradesh Reorganisation Act, 2014, in the interest of justice.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and upon hearing the arguments of Sri T. Dhangopal Rao, Party-in-Person as the Petitioner and the learned Advocate General (State of Telangana) for Respondent No.2 and the learned Addl. Advocate General (State of AP) for Respondent No.3, the Court made the following

**ORDER:**

In this matter, the petitioner claiming himself to be Human Rights Defender, wants speedy creation of separate High Court for the State of Andhra Pradesh and feels that unless two separate High Courts start functioning in both the States, human rights can not be asserted nor be enforced effectively. In any view of the matter, ignoring his absurd approach in this public interest litigation, we can safely presume that this public interest litigation involves high importance of public nature.

Legal provision on this issue could be traced in Sections 30 and 31 of the Andhra Pradesh Reorganisation Act, 2014 which provide as follows:

“30. High Court of Judicature at Hyderabad to be common High Court till establishment of High Court of Andhra Pradesh:-- (1) On and from the appointed day,--

(a) the High Court of Judicature at Hyderabad shall be the common High Court for the State of Telangana and the State of Andhra Pradesh till a separate High Court for the State of Andhra Pradesh is constituted under article 214 of the Constitution read with section 31 of this Act;

(b) the Judges of the High Court at Hyderabad for the existing State of Andhra Pradesh holding office immediately before the appointed day shall become on that day the Judges of the common High Court.

(2) The expenditure in respect of salaries and allowances of the Judges of the common High Court shall be allocated amongst the States of Andhra Pradesh and Telangana on the basis of population ratio.

31. High Court of Andhra Pradesh:-- (1) Subject to the provisions of section 30, there shall be a separate High Court for the State of Andhra Pradesh (hereinafter referred to as the High Court of Andhra Pradesh) and the High Court of Judicature at Hyderabad shall become the High Court for the State of Telangana (hereinafter referred to as the High Court at Hyderabad).

(2) The principal seat of the High Court of Andhra Pradesh shall be at such place as the President may, by notified order, appoint.

(3) Notwithstanding anything contained in sub-section (2), the Judges and division courts of the High Court of Andhra Pradesh may sit at such other place or places in the State of Andhra Pradesh other than its principal seat as the Chief Justice may, with the approval of the Governor of Andhra Pradesh, appoint.”

On a plain reading of the above set out provisions, it is clear that the Legislature intended to create a separate High Court for the State of Andhra Pradesh by way of a Presidential Notification under Article 214 of the Constitution of India. The moment the High Court for the State of Andhra Pradesh is created, the present High Court at this site in Hyderabad would be the High Court for the State of Telangana.

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Learned Advocate General for the State of Telengana has produced copies of two letters dated 19<sup>th</sup> March, 2014 written by Hon'ble Minister, Law and Justice, Government of India, to the Hon'ble Chief Justice of India and Hon'ble Chief Justice of this High Court.

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We find *prima facie* that the text of the letters of the Hon'ble Union Minister for Law and Justice is to create High Court for the State of Telangana at Hyderabad and as such, the Hon'ble Chief Justice of India and Hon'ble Chief Justice of this Court are requested by the said letters to look into the matter. We set out identically common text of the letter of Hon'ble Union Minister for better appreciation of this matter.

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"Dear Chief Justice,

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As you are aware, the then existing State of Andhra Pradesh was bifurcated into two independent States, namely, the State of Telangana and the State of Andhra Pradesh with effect from 2.6.2014. The Secretariat and the State Legislature buildings of the then existing State of Andhra Pradesh were divided along with the infrastructural facilities for two States and the two States are functioning in the common capital of Hyderabad. However, the constitution and organization of separate High Courts for the two States has not yet taken place.

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The entire lawyer community and public representatives of the State of Telangana have been continuously raising demand for the establishment of a separate High Court for the State. The Telangana State Legislature has passed a unanimous resolution on 18.03.2015 for establishment of the separate High Courts for two successor States. The Government of Telangana has identified and willing to provide a separate independent multi-storeyed building with 4.90 lakh sq. ft. area which is ready with all infrastructural facilities in a fully developed area in Gachibowli to accommodate and establish a separate High Court for the State of Telangana. The State Government has further assured to extend full cooperation for the establishment of two separate High Courts at Hyderabad. The lawyer community who were abstaining from courts for quite some time to press the demand for separate High Courts have called off the strike on an assurance being given of the needful being done at an early date.

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In view of the above, I shall be grateful if you could kindly look into the matter so that the two separate High Courts for the two States are established at Hyderabad expeditiously.

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With kind regards,"

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In view of the stand of the Hon'ble Union Minister reflected above vis-

à-vis provisions of Sections 30 and 31, in particular Section 31, of the Act, serious debate and/or issues have arisen in relation to constitution (not bifurcation) of separate High Court for the State of Andhra Pradesh.

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So, learned Advocate General for the State of Telangana; learned Additional Advocate General for the State of Andhra Pradesh and in addition thereto, learned Advocate General for the State of Andhra Pradesh will appear in the matter to assist the Court.

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Sri E. Manohar, learned senior counsel, is appointed as Amicus Curiae to assist in this matter. He will be free to choose any Junior of his choice for assistance. In addition thereto, we appoint Sri G. Vidyasagar, learned senior counsel, also as second Amicus Curiae in the matter.

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It is submitted by the Learned Additional Advocate General for the State of Andhra Pradesh that the Hon'ble Chief Minister of the State of Andhra Pradesh has responded to the communication made by the Hon'ble the Chief Justice of this High Court expressing his views and intention to constitute a separate High Court for the State of Andhra Pradesh.

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In that view of the matter, we direct the Registrar General of this Court to see whether any letter of the Hon'ble Union Minister, copy of which is produced before this Court, has been received by the Secretariat of the Hon'ble Chief Justice of this Court and further any communication is received from the Hon'ble Chief Minister of the State of Andhra Pradesh by the Secretariat of the Hon'ble Chief Justice.

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We direct the State of Andhra Pradesh, State of Telangana and Union of India to file counter on or before the next date of hearing.

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**This matter will appear on 26.03.2015 immediately after fresh admission matters.**

Sd/- N. PURUSHOTHAM REDDY  
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Secretary, Ministry of Law and Justice, Union of India, Shastri Bhawan, New Delhi. (By RPAD)
- 2 The Chief Secretary, State of Telangana, Secretariat, Hyderabad. (By Spl. Messenger)
- 3 The Chief Secretary, State of Andhra Pradesh, Secretariat, Hyderabad. (By Spl. Messenger)
- 4 One CC to Sri E. Manohar, Senior Counsel **(By Spl. Messenger along with a copy of Petition, affidavit & material papers)**
- 5 One CC to Sri G. Vidyasagar, Senior Counsel **(By Spl. Messenger along with a copy of Petition, affidavit & material papers)**
- 6 The Registrar General, High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh. **(By Spl. Messenger)**

- 7 One CC to Sri T. Dhangopal Rao, Party-in-Person (OPUC)
  - 8 One CC to Sri B. Narayana Reddy, Asst. Solicitor General **(By Spl. Messenger)**
  - 9 Two CCs to the Advocate General (State of Telangana), High Court, Hyderabad. **(By Spl. Messenger)**
  - 10 Two CCs to the Advocate General (State of A.P.), High Court, Hyderabad. **(By Spl. Messenger)**
  - 11 Two CCs to the Addl. Advocate General (State of A.P.), High Court, Hyderabad. **(By Spl. Messenger)**
  - 12 Two Spare Copies.
- nnr

## **HIGH COURT**

**H CJ  
&  
SK,J**

**DATE: 23-03-2015**

**NOTE: Post on 26-03-2015  
Immediately after fresh admission matters**

**ORDER**

**PIL NO. 59 OF 2015**

**DIRECTION**

**Nnr**  
**Date of Drafting : 24-03-2015**

**HIGH COURT**

**HCJ  
&  
SK,J**

**DATE: 23-03-2015**

**NOTE: Post on 26-03-2015  
Immediately after  
fresh admission matters**

**ORDER**

**PIL NO. 59 OF 2015**

**DIRECTION**