

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

WRIT PETITION No.12493 OF 2015

DATED: 28.04.2015

Between:

Gurajala Venkateswara Rao

... Petitioner

and

The Union of India and others

... Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.12493 of 2015

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

On earlier occasion, the petitioner had approached this Court by way of filing Writ Appeal No.1545 of 2013 and it was impossible at that stage to entertain that matter. Hence, we dismissed the same

giving liberty to the petitioner to approach the learned Single Judge. This is the second attempt and for the second time, the following prayers are asked for.

- a. The negligence in discharging the statutory duties by the Central and State Official Respondents 1 to 9 and 11 to 15
- b. To test the virus of the Chit Fund Act, 1982 R/W. Sections 12, 14, 61, 83 and G.O.Ms.No.1472/2008 dated 10.12.2008 and the failure on the respondent No.2 in Controlling the Chit Fund Fraud committing by the Respondents 16 and 17 R/W. Section 22(3), 28(3) 30, 42, 46, 76, 79 and by running Centralized Administration by himself without demarcating Chit Fund Supervision and Controlling Powers to other State Level officers appointed R/W. G.O.Ms.No.1472 dated 10.10.2008 R/W. Part.I Extra ordinary Gazette No.729 dated 17.12.2008 of the Government which resulted in allowing the respondents 16 to 17 to run Real Estate Business Plots freely Sellings in Doddavarappadu Village, Maddipadu Mandal, Guntur District, though such Sections 12 and 14 of the Act dictates no other business by the Chit Fund Companies which are meant solely to conduct only chit business.
- c. The case under Bhu-Adhipathi Scheme running by the respondents 16 and 17 as subsidiaries with connivance of the Respondents 16 and 17 was already challenged by me in W.P.No. 8291 of 2012 and on hearing the same, the Hon'ble Single Judge of this Court disposed the stay petition by dismissal non draftable order and without disposing the W.P.M.P.No. 10512/2012 (CBI Direction Petition) with further direction to list this case in Final hearing. Aggrieved by that I filed W.A.No.1545 of 2013 which came before the Division Bench of this Hon'ble Court directing the Hon'ble Single Judge of this Hon'ble Court to hear the matter and dispose of the said case within one month. Thereafter this case moved to another Judge by whom by

common order dated 06.06.2014 directing the respondent No.1 to hear and dispose of the case without passing any specific order by this Hon'ble Court in exercise of its powers under Articles 226 of the Constitution of India and as how the Respondent No.10 who is functioning as Chit Registrar have jurisdiction to decide Bhu-Adhipathi Scheme Real Estate Scam is another question to test the virus.

In our view, the aforesaid prayer cannot be said to be a prayer in the judicial proceedings and it is difficult to understand that what the petitioner wants. The rule of pleading has to be followed at least substantially, if not absolute. This rule of pleading has not been followed in this case at all.

Hence, on that ground, we dismiss this Writ Petition. However, liberty is given to the petitioner to file a fresh and appropriate one, not with this approach. If any attempt is made with similar approach, then the Court will pass necessary order including imposition of costs.

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

K.J. SENGUPTA, CJ

28th APRIL, 2015.

SANJAY KUMAR, J

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