

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.38401 AND 40233 OF 2014

DATED:30.1.2015

W.P.No.38401 of 2014

Between:

Medishetty Rajyalaxmi ... Petitioner

And

The State of Andhra Pradesh
Rep. by its Principal Secretary
Revenue Department
Secretariat Buildings
Secretariat
Hyderabad
and others

... Respondents

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

-
WRIT PETITION NOs.38401 AND 40233 OF 2014

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

Pursuant to our notice the unofficial respondent, on whose instance the Hon'ble Lokayukta has passed an order in review, which is challenged herein, appears through a counsel. He initially started his argument justifying the order. Thereafter, he seeks time for consideration of the matter.

We have heard the learned counsel for the Lokayukta, who unequivocally says that there is no power of review under the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983 (for short, 'the Act'). Therefore, this Court can pass an appropriate order taking note of the submissions.

We have checked up the provisions of law and we have not been able to find any provision, either expressly or by necessary implication, that Lokayukta has been conferred with power of review. The impugned order has been passed in exercise of review jurisdiction. According to us, the statutory authority, unlike Court, cannot have any inherent power of review. The power of review is always expressed. Therefore, the impugned order is not sustainable.

Accordingly, the impugned order is set aside. However, it would be open for the learned counsel for the unofficial respondent to make an appropriate application before us provided he can satisfy us that the Lokayukta has any express power of review.

The writ petitions are accordingly allowed.

Pending miscellaneous petitions, if any, shall stand closed.

There will be no order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

30.1.2015

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