

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

-
HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

-
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P.I.L.M.P.No.432 OF 2015

And

PUBLIC INTEREST LITIGATION No. 152 OF 2015

Date: 27.11.2015

-
Between:

P.V. Krishnaiah.

... Petitioner

And

The Union of India, rep., by its Secretary,
Ministry of Home Affairs,
New Delhi & others.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT**

**P.I.L.M.P.No.432 OF 2015
AND
PUBLIC INTEREST LITIGATION No. 152 OF 2015**

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the petitioner.

We are not inclined to entertain the review petition filed by the petitioner. We would like to place on record how the main public interest litigation has travelled so far from the very inception.

Public interest litigation (PIL) was filed on 17.06.2015. It was placed before the Court on 29.06.2015. The petitioner in-person, who is an advocate practicing in this Court, when noticed that the prayer clause was defective, sought liberty to amend the same. Leave was granted. He filed PILMP.No.266 of 2015 seeking modification of the prayers in the PIL and the said petition was allowed and amendment was carried out.

On 17.08.2015, in the PIL we passed the following order:

“We have perused modified prayers in the Public Interest Litigation, as reflected in P.I.L.M.P.No.266 of 2015.

Having considered the nature of prayers and considering that investigation by the ACB in respect of the alleged crime is in progress, we direct the petitioner to deposit Rs.1,00,000/- (Rupees One lakh only) with the Registrar (Judicial) to show his bona fides, within a period of two weeks from today.

It is made clear to the petitioner in-person, who is an advocate practicing in this Court, that if this Court is satisfied about his locus and maintainability of PIL for such prayer and that it is not filed for publicity purpose, the amount deposited will be refunded with interest,

if any, otherwise it will be forfeited.

Stand over to 31.08.2015.”

On 31.08.2015, though we did not record in the order, we categorically remember that the petitioner in-person sought adjournment stating that he had decided to carry the order, dated 17.08.2015, to the Supreme Court. We accordingly adjourned the matter to 14.09.2015 at his request. Matter did not reach on 14.09.2015 and it was again placed on board on 21.09.2015. On the said date, Sri S. Raju, learned counsel, entered his appearance on behalf of the petitioner and he simply sought an adjournment on the same ground. He did not even mention that the petitioner desired to file review. Thereafter, it appears, Review PIL.M.P.No.432 of 2015 has been filed seeking review of the order, dated 17.08.2015, in PIL. The PIL was placed before the Court on 26.10.2015. On that day once again adjournment was sought. On 29.10.2015, once again Sri S. Raju appeared and mentioned that review has been filed and the same may be heard. When we looked into the papers, we were surprised to see the prayer made in the review petition. On all earlier dates we were given impression by the petitioner-in-person and Mr. S. Raju that the order, dated 17.08.2015, was carried to the Supreme Court. We fail to understand why we were mislead in this manner. We therefore on 29.10.2015 asked Sri S. Raju to keep the petitioner also present in the Court. Today, when the matter was called out, Sri S. Raju states that petitioner has not come to the Court. We asked him whether he would like to proceed with the review on merits. He chose not to argue the review petition on merits. In view thereof, we are not inclined to entertain the review petition.

Review petition is dismissed. Since costs as per the order, dated 17.08.2015, has not been deposited, PIL is also dismissed. Miscellaneous petitions, if any, shall also stand dismissed.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Date: 27.11.2015
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