

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

AND

THE HON' BLE SRI JUSTICE N. BALAYOGI

WRIT PETITION NO. 28754 of 2017

ORDER :

Heard both sides.

2. The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the second respondent in passing the order dated 04.07.2017 in Complaint No.3768/ 2016/ B1, as illegal and arbitrary.

3. At the time when the matter is taken up for hearing, Sri Y.Ravindra, learned Standing Counsel for the Institution of Lokayukta, for the States of Andhra Pradesh and Telangana, placed on record the order passed by the Hon'ble Lok Ayukta on 08.08.2017, which is as under:

“The complainant and her counsel are present and so also Sri S.M.Ali, Inspector of Police, KUC Police Station, Warangal District. Sri S.M.Ali, Inspector of Police, KUC Police Station, Warangal District has filed a memo of undertaking, stating that whenever complainant seeks any assistance for implementing Court decree, he will provide the same. By recording undertaking, this complaint is closed.”

4. A perusal of the said order would show that the complaint filed by the fourth respondent came to be closed, pursuant to an undertaking given by the Inspector of Police, KUC Police Station, Warangal District, for providing assistance to the fourth respondent for implementation of Court decree, if she seeks for the same.

5. Learned counsel for the petitioner would submit that giving of an undertaking for providing assistance and the order passed by the second respondent basing on such undertaking are impermissible under law, in view of the judgment of the Full Bench of this Court in W.P.No.7615 of 2013, dated 28.08.2015.

6. Assuming that such an undertaking and the impugned order passed by the second respondent thereon are impermissible under law, but still the fourth respondent is always at liberty to avail the remedies available under law, for getting the Court decree executed in accordance with law.

7. Hence, the writ petition is disposed of, permitting the fourth respondent to avail the remedies available under law for getting the Court decree executed, pursuant to which, if the petitioner is aggrieved, she is at liberty to avail the remedies available under law, if any. No costs.

8. Consequently, miscellaneous petitions, if any pending, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

JUSTICE N. BALAYOGI

13.12.2017
vnb