

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Mr. JUSTICE ABHINAND KUMAR SHAVILI

Writ Appeal No. 1641 of 2017

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in W.P. No. 32331 of 2017 dated 05.10.2017. The appellants herein are the 10th and 12th respondents in the said writ petition, which was filed by the 1st respondent herein to declare the inaction of the Central Bureau of Investigation in initiating investigation, pursuant to the petitioner's report dated 12.04.2017, with regard to a fraudulent transaction against STBC properties situated in various Districts of the State of Telangana and the State of Andhra Pradesh; and in misappropriation of huge amounts, against receipt of sale consideration through sale deeds, without remitting any amount either to the Samavesham of Telugu Baptist Churches (STBC) or the Property Association of Baptist Churches Private Limited (PABC), as illegal and arbitrary. A consequential direction was sought to respondents 2 to 8 to initiate appropriate action by directing the officers concerned to register a crime, and cause investigation, pursuant to the petitioner's report dated 12.04.2017.

By way of interlocutory relief, the 1st respondent herein sought a direction to the 6th respondent (the State of Andhra Pradesh, represented by its Principal Secretary, Home Department) to seize the passport of the 10th respondent to enable the Investigating Agency to conduct investigation against the 10th respondent. In the order under appeal, the learned single Judge

took note of the specific allegation of the 1st respondent-writ petitioner that the appellant-10th respondent was making efforts to leave this country; and observed that this allegation may be taken into account and considered by the CBI as well as the CID and, if the same was found to be true, necessary action, in accordance with law, be initiated.

Mr. M.V.S. Suresh Kumar, learned Senior Counsel appearing on behalf of the appellant-10th respondent, would submit that the 10th respondent does not even have a passport; consequently, the question of his leaving this country does not arise; the 10th respondent has no intention of leaving this country to travel abroad; the order under appeal was sought only to induce the CBI to register a case against the appellant, and take further action against him; and the writ petition, as filed, is an abuse of the process of Court.

The apprehension of the appellant that the order under appeal would be construed as a mandamus to the CBI to investigate, into the allegations made against him by the 1st respondent, is wholly unfounded. The main relief sought for in the writ petition is for an investigation to be caused by the CBI. It is only if the writ petition were to be allowed later, may it result in a mandamus being issued to the CBI to cause an investigation. If, as is now contended before us, the appellant-10th respondent has no intention of leaving this Country and travel abroad, no prejudice would be caused to him by the order under appeal. The submission of Mr. M.V.S. Suresh Kumar, learned Senior Counsel appearing on behalf of the appellant-10th respondent, that the writ

petition as filed is an abuse of the process of Court, can also be urged before the learned Single Judge.

We see no reason to entertain this intra-Court appeal, under Clause 15 of the Letters Patent, as no prejudice can be said to have been caused thereby to the appellant-10th respondent. The writ appeal fails and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(ABHINAND KUMAR SHAVILI, J)

8th November, 2017
cbs



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