

THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

W.P.No.6794 of 2008

ORDER

The petitioner seeks a writ of mandamus declaring the action of respondents 1 to 3 in not considering the representation dated 03.03.2008 made by him against the 7th respondent for misappropriation of Government funds granted to Ekalavya Memorial League, situated at Chirala, Prakasam District, for the welfare of the Scheduled Tribes community of Prakasam, West Godavari and Visakhapatnam Districts, and acting contrary to the welfare of the Scheduled Tribes by taking undue advantage of his social status and position in the Organization, and also playing fraud by styling himself as member of the "National Schedule Tribes Commission" as illegal, arbitrary, null and void and consequently, direct the respondents to investigate into the allegations levelled by the petitioner in his representation dated 03.03.2008 and to take suitable action.

2. When the matter came up for hearing today, learned Special Standing Counsel for CBI Sri K. Surendar, representing the 3rd respondent, would submit that since the allegations in the representation dated 03.03.2008 were required to be enquired into by the Anti-Corruption Bureau of the State of Andhra Pradesh, the representation was forwarded by the 3rd respondent to the Director General, ACB, Hyderabad, for consideration and necessary action. Learned counsel would further submit that as per the information, the ACB officials have conducted enquiry and submitted a report to

the Social Welfare Department, State of Andhra Pradesh, and in turn, the Secretary to the Government (TW) Social Welfare Department, has addressed a letter vide DO LR.No.127/STWP/2007, dated 21.11.2007, copy of which is produced before the Court, to the Secretary to the Government of India, Ministry of Tribal Affairs, New Delhi, stating that against the 7th respondent, two crimes were registered i.e., Cr.No.112 of 2005 of Chirala I Town Police Station, for the offence under Section 498-A IPC read with Section 34 IPC and Cr.No.141 of 2006 of Chirala I Town Police Station, for the offence under Section 509 read with Section 34 IPC, and both the cases were pending for trial. With regard to the subject matter, in the last paragraph of the said letter, it was mentioned that the allegation against the 7th respondent about obtaining a lot of money in the name of fake NGO and swindling the same was reported to be without grounds. It was also mentioned in the said letter that the enquiry reports submitted by the District Collector, Prakasam, were enclosed.

3. In view of the aforesaid submission by the learned Special Standing Counsel for the 3rd respondent, the Writ Petition is disposed of, with liberty to the petitioner to pursue his legal remedies that are available to him under law. No order as to costs.

4. As a sequel, miscellaneous petitions, if any, pending in this petition shall stand closed.

U. DURGA PRASAD RAO, J

19th September, 2018

sj