

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 21603 OF 2021

Between:

M.Sudhakara Reddy, S/o Bali Reddy, Aged about 48 years,
Occ. Head Constable No.2183 (Under suspension), R/o. H.No.9-111/120,
Anjaneya Nagar, Boduppal, Medchal Malkajgiri District (erstwhile Ranga Reddy)

...PETITIONER

AND

1. The State of Telangana, Department of Home Rep. by its Principal Secretary, Secretariat, Hyderabad
2. The Commissioner of Police, Hyderabad City, Hyderabad, Telangana

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of writ of Mandamus, declaring the high handed action of Respondent No.2 in issuing Memorandum vide PR.No.78/2021 dated 09.08.2021 with same set of allegations, without considering the facts and circumstances in its true perspective and proceeding with, while Criminal Case in CC.No.49/2021 is pending on the file of the Hon'ble 1st Addl. Special Judge for ACPE and ACB cases at Hyderabad as illegal, arbitrary, unjust, violative of the principle of Natural Justice and violative of Article 14 and 16, 19(1)(g), 21 of the Constitution of India and contrary to ratio laid down by the Hon'ble Supreme Court in Capt. M Paul Anthony Vs. Bharat Gold Mines Ltd. and another reported in (1999) 3 SCC 679 and consequently direct the Respondent No.2 not to proceed with the Departmental Enquiry pursuant to the Memorandum vide PR.No.78/2021 dated 09.08.2021 till conclusion of Criminal Case in CC.No.49/2021 pending on the file of the Hon'ble 1st Addl. Special Judge for ACPE and ACB cases at Hyderabad.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay of all further proceedings in Departmental Enquiry pursuant to the Memorandum vide PR.No.78/2021 dated 09.08.2021 pending disposal of Criminal Case in CC.No.49/2021 on the file of the Hon'ble 1st Addl. Special Judge for ACPE and ACB cases at Hyderabad.

Counsel for the Petitioner: SRI S.LAKSHMI KANTH

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.21603 of 2021

ORDER:

Mr. S. Lakshmikanth, learned counsel for the petitioner, seeks permission to withdraw the writ petition.

Permission is accorded and the writ petition is dismissed as withdrawn with liberty to file fresh writ petition.

As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

NOTE: For Being Mentioned, that the "Permission is accorded and the writ petition is dismissed as withdrawn" read in the Unnumbered Paragraph No. 2 of the Order dated 08.09.2021 in WP.No. 21603 of 2021 is replaced and corrected as "Permission is accorded and the writ petition is dismissed as withdrawn with liberty to file fresh writ petition" as per the Orders of Hon'ble Court dated 13.12.2021 in I.A.No.2 of 2021 in W.P.No.21603 of 2021.
This amended order shall substitute the earlier order which has already been dispatched on 30.09.2021

**SD/- T.TIRUMALA DEVI
ASSISTANT REGISTRAR**

**SD/- T.TIRUMALA DEVI
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

- To,**
1. Two CCs to the GP for Services-I, High Court for the State of Telangana [OUT]
 2. One CC to Sri S. Lakshmi Kanth, Advocate [OPUC]
 3. Two C.D. copies.
 4. One Spare Copy.

MRC



HIGH COURT

DATED:08/09/2021
13/12/2021

AMENDED ORDER

WP.No.21603 of 2021



DISMISSING THE WRIT PETITION
AS WITHDRAWN WITHOUT COSTS

17/12/2021
17/12/2021