

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

**TUESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

Between:

WRIT PETITION NO: 27492 OF 2021

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).

AND

...PETITIONER

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 Memo No. HCP/B7/0049/2019- 21 Dt. 23/09/2021 pursuant to Memorandum vide PR.No.78/2021 dated 09/08/2021 without considering the facts and circumstances in its true perspective and proceeding with, while pending 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 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 Honble 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 Honble 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 pending 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 HOME**

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.27492 of 2021

ORDER:

Learned counsel for the petitioner seeks permission to withdraw this writ petition with liberty to the petitioner to file an appropriate application in W.P.No.21603 of 2021, which was dismissed as withdrawn on 08.09.2021.

2. Permission is accorded and the Writ Petition is accordingly dismissed as withdrawn giving liberty to the petitioner to pursue W.P.No.21603 of 2021, which was dismissed as withdrawn on 08.09.2021. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

SD/-N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Sri S. Lakshmi Kanth, Advocate [OPUC]
2. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad. [OUT]
3. Two CD Copies
4. One Spare Copy

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HIGH COURT

DATED:02/11/2021

ORDER

WP.No.27492 of 2021



DISMISSING THE WP
AS WITHDRAWN
WITHOUT COSTS

[Handwritten signature]
[Handwritten date: 01/11/2021]