

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

**TUESDAY, THE SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND**

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION NO: 2767 OF 2018

Between:

Greater Warangal Municipal Corporation, Rep. by its Commissioner, Warangal.

.....PETITIONER

AND

1. Lokayukta Institution for AP and Telangana, Door No 5-9-49, Basheerbagh, Hyderabad - 500063 , Telangana, Rep. by its Registrar.
2. Mohemmad Hameedullah Shareef, H.No.6-504/1/A , K.G.N. Colony, Behind Urvasi Talkies, Parakala, Warangal.

.....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 Certiorari to call for the records relating to the Order dated 08-08-2017 passed by the Hon'ble Lokayuktha in Complaint No.305/2016/B1 and quash the same being illegal, arbitrary, and without jurisdiction.

I.A.NO:1 OF 2018

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 Suspend the impugned order dated 08-08-2017 passed by the Hon'ble Lokayuktha in complaint No. 305/2016/B1 pending disposal of the above writ petition.

**Counsel for the Petitioner : M/s PINGALI LAKSHMI
Counsel for the Respondent No.1 : SRI Y.RAVINDER
Counsel for the Respondent No.2 : SRI P.PRABHAKAR REDDY
The Court made the following ORDER**

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION No.2767 of 2018

ORDER: *(Per the Hon'ble Sri Justice J.Sreenivas Rao)*

This writ petition is filed for the following relief:

"...to issue a Writ, Order or Direction more especially one in the nature of Writ of Certiorari to call for the records relating to the Order dated 08.08.2017 passed by the Hon'ble Lokayuktha in Complaint No.305/2016/B1 and quash the same being illegal, arbitrary and without jurisdiction."

2. There is no representation on behalf of the petitioner as well as the respondents.

3. Facts giving rise to filing of this writ petition briefly stated are that respondent No.2 lodged a complaint before respondent No.1 on 07.08.2017 on the ground that the petitioner-Corporation is not paying compensation in respect of the land to an extent of Ac.0.02 gts. in Sy.No.737/B, Warangal. Basing on the said complaint, respondent No.1 initiated proceedings and passed order on 08.08.2017

directing the petitioner-Corporation to initiate land acquisition proceedings, make award enquiry and pay the compensation to respondent No.2/complainant and file the compliance report by 14.11.2017. Aggrieved by the same, the petitioner-Corporation filed the present writ petition.

4. Section 2(a) and (b) as well as Section 7 of the Telangana Lokayukta Act, 1983, read as under:

“2. Definitions:- (a) ‘*action*’ means an administrative action taken by a public servant by way of decision, recommendation or finding or in any other manner, and includes any omission and commission and failure to act in connection with or arising out of such action; and all other expressions connecting action shall be construed accordingly.

(b) ‘*allegation*’ in relation to a public servant means any affirmation that such public servant –

(i) has abused his position as such, to obtain any gain or favour to himself or to any other person, or to cause undue harm or hardship to any other person;

(ia) has failed to discharge the functions attached to his post.

(ii) was actuated in the discharge of his functions as such public servant by

improper or corrupt motive and thereby caused loss to the State or any member or section of the public; or

(iii) is guilty of corruption, or lack of integrity in his capacity as such public servant.

.....

7. (1) Subject to the provisions of this Act, the Lokayukta may investigate any action which is taken by, or with the general or specific approval of, or at the behest of,-

(i) A Minister or a Secretary; or

(ii) a Member of either House of the State Legislature; or

(iii) a Mayor of the Municipal Corporation constituted by or under the relevant law for the time being in force; or
(iii-a) a Vice Chancellor or a Registrar of a University;

(iv) any other public servant, belonging to such class or section of public servants, as may be notified by the Government in this behalf after consultation with the Lokayukta, in any case where a complaint involving an allegation is made in respect of such action, or such action can be or could have been, in the opinion of the Lokayukta, the subject of an allegation.

(2) Subject to the provisions of this Act, the Upa- Lokayukta may investigate any action which is taken by, or with the general or specific approval of, any public servant, other than those referred to in sub- section (1), in any case where a complaint involving an

allegation is made in respect of such action, or such action can be or could have been, in the opinion of the Upa-Lokayukta, the subject of an allegation.

(3) Notwithstanding anything in sub-section (2), the Lokayukta may, for reasons to be recorded in writing, investigate any allegation in respect of an action which may be investigated by the Upa-Lokayukta under that sub-section, whether or not complaint has been made to the Lokayukta in respect of such action.

(4) Where two or more Upa-Lokayuktas are appointed under this Act, the Lokayukta may by general or special order, assign to each of them matters which may be investigated by them under this Act:

Provided that no investigation made by the Upa-Lokayukta under this Act and no action taken or thing done by him in respect of such investigation shall be called in question on the ground only that such investigation relates to a matter which is not assigned to him by such order."

5. Thus, from a perusal of the aforesaid provisions, it is evident that the action can be taken in respect of the complaint as defined under Section 2(a) of the Telangana Lokayukta Act, 1983. The aforesaid Act does not authorize the Lokayukta to enquire into the complaint

dated 07.08.2017, lodged by respondent No.2 in respect of non-payment of compensation in respect of the land to an extent of Ac.0.02 gts. in Sy.No.737/B, Warangal. Hence, the impugned order passed by respondent No.1 dated 08.08.2017 is set aside.

6. Accordingly, the Writ Petition is allowed. However, respondent No.2 is granted liberty to work out his remedies in accordance with law.

As a sequel, miscellaneous petitions, pending if any, shall stand closed.

That Rule Nisi has been absolute as above.
Witness the Hon'ble the Chief Justice ALOK ARADHE, on this
Tuesday, the Seventh day of January, Two Thousand and Twenty four.

//TRUE COPY//

SD/-A. PRATHIMA
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Registrar, Lokayukta Institution for AP and Telangana, Door No 5-9-49, Basheerbagh, Hyderabad - 500063 , Telangana.
2. One CC to M/s PINGALI LAKSHMI, Advocate [OPUC]
3. One CC to SRI Y.RAVINDER, Advocate [OPUC]
4. One CC to SRI P.PRABHAKAR REDDY, Advocate (OPUC)
5. Two CD Copies

SA
BS

CHR

HIGH COURT

DATED:07/01/2025

ORDER

WP.No.2767 of 2018



**ALLOWING THE W.P
WITHOUT COSTS.**

①CAR
14/2/25