

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

WRIT PETITION No.6588 of 2025

PROCEEDING SHEET

Sl. No	DATE	ORDER	Office Note
01.	18.03.2025	<u>CGR, J</u> Learned Government Pleader for Services-I takes notice for respondent Nos.1 to 4. Issue notice to respondent Nos.5 & 6. Learned counsel for the petitioner is permitted to take out personal notice on respondent Nos.5 & 6 by registered post with acknowledgment due and file proof of service in the Registry. Learned counsel for the petitioner submits that initially crime No.43 of 2020 was registered on 08.09.2020 for the offences punishable under Sections 420, 468, 471, 506 read with Section 120(B) of Indian Penal Code against the alleged persons on the allegation of tampering of revenue records in which the writ petitioner has been arrayed as accused No.8. However, after investigation, respondent No.5 issued memo dated 25.01.2022, instructing the Investigating Officer to file memo before the concerned Court for deletion of accused Nos.5 to 14. But strangely within no time, the very same officer issued proceedings <i>vide</i> C.No.518/C-24/CID/2020 dated	Contd...

		10.03.2022 to respondent No.3 for initiation of sanctioned orders against A5 to A14, against whom by earlier proceedings he instructed to delete filing of charge sheet. That being so, in pursuance to the aforesaid allegations simultaneously departmental proceedings were initiated against 3 officers, including petitioner and by proceedings No.V.S-II(2)/860/2021 dated 01.06.2022, charge memo was issued. After due enquiry and basing on enquiry report, respondent No.2 by proceedings No.REV02-28/30/2022-VIGILENCE II SEC-CCLA, (C No.1694513), dated 10.11.2023, on appreciation of the explanation submitted by delinquent officers ultimately dropped the disciplinary proceedings. Without reference to the same, respondent No.1 by memo <i>vide</i> No.REV01-LANA0CCLV(DISC)/39/2023-VIG-III dated 27.11.2023 permitted respondent No.3-District Collector to issue prosecution sanction against A5 to A9 in terms of Section 197(1) of Cr.P.C and in turn respondent No.3 by proceedings <i>vide</i> Ref.No.Admin-3/e-460340/2023 dated 27.01.2025 passed sanctioned orders which are impugned in the present writ petition. It is contended that once the departmental proceedings are dropped against the very same charges and also that of investigation, respondent No.5 by memo dated 25.01.2022 instructed the	Contd...
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	investigating officer to delete A5 to A14 as they were found to have not involved in the said offences, issuance of sanction orders as impugned in the writ petition is completely arbitrary and illegal. Reliance is placed on Radheshyam Kejriwal v. State of West Bengal & anr¹, Ashoo Surendranath Tewari v. Deputy Superintendent of Police, EOW, CBI & Anr² and Crl.P.No.2848 of 2023. <i>Prima facie</i>, this Court finds that upon investigation respondent No.5 by memo dated 25.01.2022 instructed the investigating officer to drop the proceedings against A5 to A14 and also that the departmental proceedings against 3 persons including petitioner came to be dropped as they have been found to be without substance and merit. Therefore, issuance of sanction orders for very same set of allegations is bad in law. In view of the same, memo <i>vide</i> Memo No.REV01-LANA0CCLV(DISC)/39/2023-VIG-III dated 27.11.2023 issued by respondent No.1 and consequent proceedings <i>vide</i> Ref.No.Admin-3/e-460340/2023 dated 27.01.2025 issued by respondent No.3 are hereby stayed, pending further orders. Let counter be filed within four (04) weeks,	Contd...
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¹ (2011) 3 Supreme Court Cases 581

² (2020) 9 Supreme Court Cases 636

		reply if any, be filed within two (02) weeks thereafter. List the matter after eight (08) weeks. <u> </u> CGR, J <i>RKS</i>	
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