

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE EIGHTEENTH DAY OF MARCH

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN



WRIT PETITION NO: 6588 OF 2025

Between:

Goluguri Bapiraju, S/o. (Late) Kishore Reddy, Aged about 44 Years,
Presently working as Deputy Tahsildar (Civil Supplies) O/o District Civil
Supply Officer, Rajamahendravaram, East Godavari District.

..Petitioner/s

AND

1. The State Of Andhra Pradesh, Represented by Special Chief Secretary, Revenue (VIG.III) Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The Chief Commissioner of Land Administration Special Chief Secretary to Government, APIIC Buildings, Mangalagiri, Guntur District.
3. The District Collector, Rajamahendravaram, East Godavari District
4. The Government of Andhra Pradesh, Represented by Principal Secretary, Home (Services) Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
5. The Additional Director General of Police C.I.D, Mangalagiri, Guntur District Andhra Pradesh.
6. The Deputy Superintendent of Police, C.I.D, Mangalagiri, Guntur District Andhra Pradesh.

...Respondent/s

WHEREAS the Petitioner above named through his/her Advocate K Satyanarayana Murthy presented this 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 a writ order or direction more particularly one in the nature of WRIT OF MANDAMUS to declare the impugned Memo. No. REV01 LANA0CCLV(DISC)/39/2023-VIG-III Dated 27.11.2023 of the 1st respondent, in granting permission to prosecution under section 197(1) Cr.P.C. in FIR No. 43 of 2020 of P.S CID, Mangalagiri, Guntur District, A.P, Consequential Memo. No. REV02-28/98/2022-VIGILANCE II SEC-CCLA (C. No. 1799325), Dated 20/12/2023 of the 2nd respondent and the proceedings in Ref No. Admin-3 e-460340/2023 dated 27.01.2025 of the 3rd respondent in-spite of the fact the 2nd respondent exonerated the petitioner from the charges framed against the petitioner and dropped further action vide Proceedings No. REV02-28/30/2022-VIGILANCE II SEC-CCLA, (C. No. 1694513) Dated 10.11.2023 and hence in issuance of the impugned Memo and consequential orders of the respondent No. 1 to 3 are highly illegal, arbitrary, discriminatory and violation of article 14,19,21 and same are liable to be set aside in view of the law laid down by the Honble Apex Court, consequentially direct the respondent authorities to drop / withdraw or cancel the impugned Memo. No. REV01-LANA0CCLV(DISC)/39/2023-VIG- III Dated 27.11.2023 issued under Section 197(1) CR.P.C in Crime No. 43 of 2020 of P.S CID, A.P., Amaravati, Mangalagiri Guntur District and consequential orders of the 2nd and 3rd respondent since the petitioner was exonerated from the charges and dropped further action vide CCLAs Proceedings No. REV02-28/30/2022-VIGILANCE II SEC-CCLA, (C. No. 1694513) Dated 10.11.2023 in view of the law laid down by the Honble Apex Court in the case of RADHESHYAM KEJRIWAL Vs STATE OF WEST BENGAL AND ANOTHER reported in (2011) 3 SCO 581, ASHOO SURENDRANATH TEWARI Vs DEPUTY SUPERINTENDENT OF POLICE, EOW, CBI AND ANOTHER reported in (2020) 9 SCC 636.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri K Satyanarayana Murthy Advocate for the Petitioner, GP for Services-I for Respondent No.s 1 to 6 and directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Special Chief Secretary, State Of Andhra Pradesh, Revenue (VIG.III) Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The Chief Commissioner of Land Administration Special Chief Secretary to Government, APIIC Buildings, Mangalagiri, Guntur District.
3. The District Collector, Rajamahendravaram, East Godavari District
4. The Principal Secretary, Government of Andhra Pradesh, Home (Services) Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
5. The Additional Director General of Police C.I.D, Mangalagiri, Guntur District Andhra Pradesh.
6. The Deputy Superintendent of Police, C.I.D, Mangalagiri, Guntur District Andhra Pradesh.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted within eight (08) weeks for which date the case stands posted for hearing.

IA NO: 1 OF 2025

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 direct the respondent authorities to stay all further proceedings by suspending the impugned Memo. No. REV01-LANA0CCLV(DISC)/39/2023-VIG-III Dated 27.11.2023 of the 1st respondent, Memo. No. REV02-28/98/2022-VIG ILANCE II SEC-CCLA (C. No. 1799325), Dated 20/12/2023 of the 2nd Respondent and proceedings of the 3rd respondent vide Ref No. Admin-3/e-460340/2023 dated 27.01.2025 pending disposal of the above writ petition and to pass, pending disposal of WP No. 6588 of 2025, on the file of the High Court.

The Court made the following:

ORDER:

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 vide C.No.518/C-24/CID/2020 dated 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 vide 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 vide 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 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 CrI.P.No.2848 of 2023.

Prima facie, this Court finds that upon investigation respondent No.5 by memo dated 25.01.2022 instructed the investigating officer to

¹ (2011) 3 Supreme Court Cases 581

² (2020) 9 Supreme Court Cases 696

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 vide Memo No.REV01-LANA0CCLV(DISC)/39/2023-VIG-III dated 27.11.2023 issued by respondent No.1 and consequent proceedings vide Ref.No.Admin-3/e460340/2023 dated 27.01.2025 issued by respondent No.3 are hereby stayed, pending further orders.

Let counter be filed within four (04) weeks, reply if any, be filed within two (02) weeks thereafter.

List the matter after eight (08) weeks.

//TRUE COPY//

Sd/- K.TATA RAO
DEPUTY REGISTRAR

SECTION OFFICER

Fr

To,

1. The Special Chief Secretary, State Of Andhra Pradesh, Revenue (VIG.III) Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The Chief Commissioner of Land Administration Special Chief Secretary to Government, APIIC Buildings, Mangalagiri, Guntur District.
3. The District Collector, Rajamahendravaram, East Godavari District
4. The Principal Secretary, Government of Andhra Pradesh, Home (Services) Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
5. The Additional Director General of Police C.I.D, Mangalagiri, Guntur District Andhra Pradesh.

6. The Deputy Superintendent of Police, C.I.D, Mangalagiri, Guntur District Andhra Pradesh.
7. One CC to SRI. K SATYANARAYANA MURTHY Advocate [OPUC]
8. Two CCs to GP for services I ,High Court Of Andhra Pradesh. [OUT]
9. One spare copy

HIGH COURT

CGR,J

DATED:18/03/2025

List the matter after eight (08) weeks

NOTICE BEFORE ADMISSION

WP.No.6588 of 2025

INTERIM STAY

