



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY, THE SIXTEENTH DAY OF DECEMBER

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

HONOURABLE THE CHIEF JUSTICE SRI DHIRAJ SINGH THAKUR

AND

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN

WRIT APPEAL NO: 450 OF 2025

Writ Appeal under Clause 15 of the Letters Patent, filed against the order made in WP.No. 23837/2020, dated 03.12.2024, on the file of the High Court

Between:

1. Union Of India, Rep. by its Secretary, Ministry of Tribal Affairs, Shastri Bhavan D-Wing, New Delhi

Appellant/Respondent No.1

AND

1. Bapuji Integrated Rural Development Society, (Regd No 251/1990), Rep., by its President Appasani Babu Rao, S/o Kotaiah, aged about 60 years, Occ: Cultivation R/o Gaddamanugu (V) G Konduru (M) Krishna Dt
2. Appasani Upper Primary School, Rep by its Secretary and Correspondent, Appasani Babu Rao, Cheemalapadu (V) A Konduru (M) Krishna Dt.

Respondents/Writ Petitioners

3. The State of Andhra Pradesh, Rep by its Prl Secretary, Department of Tribal Welfare, A.P. Secretariat Buildings, Velagapudi, Guntur District

4. The Commissioner of Tribal Welfare, Andhra Pradesh, D.No.403/146/4A, Labbipet, Vijayawada 520010
5. The Collector and District Magistrate, Krishna District Machilipatnam .

Respondents/Respondents

I.A.NO.2 OF 2025

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the Order dated 03.12.2024 passed in W.P.No.23837/2020, Pending disposal of W.A.No. 450 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri JOSYULA BHASKARA RAO Advocate for the Petitioner, Sri D KRISHNA MURTHY Advocate for the Respondent Nos.1 & 2; GP for Social Welfare for the Respondent Nos.3 to 4; GP for Revenue for the Respondent No.5, the Court made the following.

ORDER

Learned Additional Solicitor General appearing for the appellant is directed to file a short affidavit with regard to the factum of receipt of communications, dated 22.05.2015 and 25.05.2015, which are stated to be communications addressed by the petitioners (respondent Nos.1 & 2 herein) conveying copies of the audit reports for the years 2013-14 and 2014-15 as also annual reports for the years 2013-14 and 2014-15.

The communications were addressed to the Joint Secretary, Ministry of Tribal Affairs, Government of India and the same are stated to have been sent through registered post.

Although the counsel for the appellant has tried to lay a lot of emphasis on the communication, dated 29.02.2016, addressed by the

Under Secretary to the Government of India, Ministry of Tribal Affairs, to the petitioners, seeking the furnishing of 'certain documents', even when the documents which were sought to be requisitioned from the petitioners are not specifically in so many words mentioned in the said communication and the communication on the face of it appears to be vague and general, yet, in case the documents are only in the nature of audit report and annual report which the petitioners claim to have already sent to the Ministry of Tribal Affairs, then the argument that the failure of the petitioners to supply the requisite documents as were sought from the petitioners would make the petitioners ineligible for release of the grant in question as the same became time barred in terms of General Financial Rules of 2005 and in particular Rule 209(6)(viii) may not be an argument which would be sustainable.

We, therefore, direct the concerned Officer in the Ministry to file a short affidavit as regards the receipt of the aforementioned two communications dated 22.05.2015 and 25.05.2015 which were much prior in point of time to the communication relied upon by the appellant, dated 29.02.2016.

The affidavit is also important only with a view to give yet another opportunity to the appellant to deal with the issue inasmuch as the petitioners had specifically mentioned in the writ petition and more particularly in paragraph 7 that representations had been made to the Government of India for release of grant-in-aid for the academic year 2013-14 on 06.05.2014, 22.05.2015 and 25.05.2015. The two communications, dated 22.05.2015 and 25.05.2015 are, therefore, specifically mentioned in the writ petition.

In response to the averments made in paragraph 7 of the writ petition, the response submitted in the counter-affidavit filed by the appellant – Union of India, is quite vague and general and what is stated is as under:

'It is submitted that the contents of paragraphs 6 & 7 are matter of record and hence not traversed.'

While it would have been easy for us to have simply proceeded to decide the matter on the principle that an averment specifically made if not controverted in specific terms is to be considered as vague and general and therefore, admitted, yet with a view to ensure that public funds in the shape of grant-in-aid are not released in favour of the entities which are either working only on paper or have failed to perform as per the guidelines, we give yet another opportunity to the appellant to file the affidavit supra.

Needful be done in four weeks.

Learned counsel for respondent Nos.1 & 2 undertakes not to press the contempt case till such time the matter is finally decided by this Court.

List on 20.01.2026.

//TRUE COPY//

**SD/- K.J.RAJA BABU
ASSISTANT REGISTRAR**

SECTION OFFICER

To,

- 1. Bapuji Integrated Rural Development Society, (Regd No 251/1990), Rep., by its President Appasani Babu Rao, S/o Kotaiah, aged about 60 years, Occ: Cultivation R/o Gaddamanugu (V) G Konduru (M) Krishna Dt**
- 2. The Secretary and Correspondent, Appasani Upper Primary School, Appasani Babu Rao, Cheemalapadu (V) A Konduru (M) Krishna Dt.(1 & 2 by RPAD)**

3. The Prl Secretary, Department of Tribal Welfare, The State of Andhra Pradesh, A.P. Secretariat Buildings, Velagapudi, Guntur District.[By Special Messenger]
4. The Commissioner of Tribal Welfare, Andhra Pradesh, D.No.403/146/4A, Labbipet, Vijayawada 520010
5. The Collector and District Magistrate, Krishna District Machilipatnam .(4 & 5 by RPAD)
6. One CC to SRI. JOSYULA BHASKARA RAO Advocate [OPUC]
7. One CC to SRI. D KRISHNA MURTHY Advocate [OPUC]
8. One CC to Additional Solicitor General of India, High Court of A.P., [OPUC]
9. Two CCs to GP for Revenue, High Court of A.P., Amaravati [OUT].
10. Two CCs to GP for Social Welfare, High Court of A.P., Amaravati [OUT].
11. **Two spare copies**

HIGH COURT

HC,J
&
CGR,J

DATED:16/12/2025

LIST ON 20.01.2026

ORDER

WA.No.450 of 2025

DIRECTION

