

HIGH COURT OF ANDHRA PRADESH

MAIN CASE No: W.P.No.16568 OF 2025

PROCEEDING SHEET

<u>SL. NO.</u>	<u>DATE</u>	<u>ORDER</u>	<u>OFFICE NOTE</u>
4.	14.07.2025	<u>VN,J</u> The present writ petition is filed questioning the proceedings dated 28.05.2025 issued by Respondent No.3 <i>vide</i> Roc.No.214494/2018/A1. The Petitioner is a bill collector and a case was registered against him under Section 19 of the Prevention of Corruption Act with regard to disproportionate assets. Pursuant to a notice given by Inspector of Police, ACB, Guntur, dated 07.12.2018, the Petitioner given explanation explaining his sources of income. Subsequently, the Respondent No.1 <i>vide</i> Memo No.1380131/Vig.II/2018/A2(E-494215), dated 20.08.2024, permitted the Respondent No.3 i.e. “competent authority” to issue speaking order for sanction of prosecution as required under Section 19(1)(b) of the Prevention of Corruption Act and also to initiate departmental action. Pursuant thereto, the Respondent No.3 issued impugned proceedings.	

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		Sri Motupalli Vijay Kumar, learned Senior Counsel, assisted by Ms. S.Siva Kumari, learned counsel for the Petitioner submits that the competent authority is Respondent No.3 and the impugned proceedings are a consequence of a decision taken by Respondent No.1 and no independent assessment was done by Respondent No.3 and in that view, he would contend that the impugned proceedings cannot stand. Learned Senior Counsel would further contend that as per the judgments of the Hon'ble Supreme Court in <i>State of Karnataka vs. Ameer Jan</i>¹, an independent assessment of the material should be made by the competent authority and ought not to be dictated by Respondent No.1 as was done in this case and therefore the order of sanction stands vitiated. Learned Standing Counsel for Respondent No.4 would contend that the order of sanction need not contain elaborate reasons and subjective satisfaction of the competent authority is sufficient as was done in this case. Having heard the respective counsel, this Court is of the opinion that in the impugned order, there is a specific reference to the	

¹ AIR 2008 SC 108

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		Government Memo, dated 20.08.2024 at reference No.2 of the impugned proceedings and it is quite apparent that the impugned proceedings were passed in consonance to the dictate given by Respondent No.1 in the memo dated 20.08.2024. There is a statutory obligation to consider the materials dispassionately and independently by Respondent No.3 and the same is found wanting in this case. The impugned order is not in consonance with the judgment of Hon'ble Supreme Court in <i>State of Karnataka vs. Ameer Jan</i> (Paragraph No.7). Therefore the following interim order is passed:- i) The impugned proceedings stand suspended for a period of four (04) weeks. ii) In the interregnum, Respondent No.3 may consider the material independently and pass appropriate orders without reference to the Government Memo No. 1380131/Vig.II/2018/A2(E-494215), dated 20.08.2024. Post the matter after six (06) weeks. _____ VN,J Scs	