

[3460]

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

MONDAY ,THE FOURTEENTH DAY OF JULY

TWO THOUSAND AND TWENTY FIVE

**:PRESENT:
THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY**

WRIT PETITION NO: 16568 OF 2025

Between:

M. Madhava, S/o Late M. Veeravenkanna, Aged 41 years, Bill Collector
(under suspension), R/o F.No.101, GVP Enclave, 14/21, Bharatpet,
Guntur.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Commissioner & Director of Municipal Administration, Andhra Pradesh, Mangalagiri, Guntur District.
3. The Commissioner, Guntur Municipal Corporation, Guntur.
4. The Director General, Anti-Corruption Bureau, PNBS Complex, Vijayawada.

Respondents

Petition under Article 226 of the Constitution of India is filed 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 Certiorarified Mandamus to call for the records and to declare the Memo No.1380131/Vig.II/2018/A2(E-494215), Dt.20.08.2024 issued by the 1st respondent and consequential proceedings of the 2nd respondent vide ROC.NO.214494/2018/A1, Dt.28.05.2025 as illegal, arbitrary and violative of Articles 14 and 21 of Constitution of India and consequently set aside the same.

IA NO: 1 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 operation of Memo No.1380131/Vig.II/2018/A2 (E-494215), Dt.20.08.2024 issued by the 1st respondent and consequential proceedings of the 2nd respondent vide Roc.No.214494/2018/A1, Dt.28.05.2025, Pending disposal of WP 16568 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 S SIVA KUMARI Advocate for the Petitioner, GP FOR Municipal Administration and Urban Development Department for the Respondent No.1 & 2; Sri A.S.C. Bose, Standing Counsel for the Respondent No.3 and the Court made the following.

ORDER:

“The present writ petition is filed questioning the proceedings dated 28.05.2025 issued by Respondent No.3 vide 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 vide 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.

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 *State of Karnataka vs. Ameer Jan*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 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

¹ AIR 2008 SC 108

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 State of Karnataka vs. Ameer Jan (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."

//TRUE COPY//

For

Sd/- K.TATA RAO
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati, Guntur District.[By Special Messenger]
2. The Commissioner & Director of Municipal Administration, Andhra Pradesh, Mangalagiri, Guntur District.
3. The Commissioner, Guntur Municipal Corporation, Guntur.
4. The Director General, Anti-Corruption Bureau, PNBS Complex, Vijayawada. (2 to 4 by RPAD)
5. One CC to SRI. S SIVA KUMARI Advocate [OPUC]
6. One CC to Sri A.S.C. Bose, Standing Counsel [OPUC]
7. Two CCs to GP FOR Municipal Administration and Urban Development Department, High Court Of Andhra Pradesh. [OUT]
8. One spare copy

HIGH COURT

VN,J

DATED:14/07/2025

POST THE MATTER AFTER SIX (06) WEEKS

ORDER

WP.No.16568 of 2025

SUSPENSION

