

**HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD  
(Special Original Jurisdiction)**

MONDAY, THE SECOND DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

**WRIT PETITION NO: 33510 OF 2023**

**Between:**

M/s. Sri Venkateshwara Colony Welfare Association, a Registered Society,  
Represented by its General Secretary, Sri D. Narsaiah, S/o: D. Sattaiah, Aged  
about 60 years, R/o. H.No.17-48, SV Colony, Medipally village and Mandal,  
Medchal-Malkajiri District

**...PETITIONER**

**AND**

1. The State of Telangana, Represented by its Prl. Secretary to Municipal Administration and Urban Development Dept, Secretariat Building, Hyderabad, TS.,
2. Peerzadiguda Municipal Corporation, Represented by its Commissioner, Peerzadiguda, Medchal-Malkajiri District,
3. The Lokayukta of Telengana State, Basheerbagh, Hyderabad,
4. G. Ramesh Babu, S/o. Late Papaiah, Aged 60. years, Occup. Business,
5. Smt. G. Sudha Rani, S/o. G.Ramesh Babu, Aged 54 years, Occup. House wife,
6. G.SaiPranay, S/o. G. Ramesh Babu, Aged 31 years, Occup. Private Employee,

All Respondents No.4 to 6 are the R/o.H.No.15-1-306, VivekMarg, Near KMC, Rangampet, Warangal District - 506007.

**...RESPONDENTS**

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 an appropriate Writ or Order or Direction especially one in the nature of the Writ of Certiorari calling for all the records pertaining to the order Dt.11-10-2023 passed in COMPLAINT.No.28/2023/B1 on the file of the

Respondent No.3/Hon'ble Lokayukta, against the petitioner and the Respondent No.2 in favour of the Respondents No.4 to 6 which went against the petitioner and quash the same as the same is illegal, arbitrary, unconstitutional and same is contrary to the Final order Dt. 05-07-2023 passed in WP. No. 3575 of 2023 by this Honble Court and consequently direct the Respondent No.3/Honble Lokayukta to close the COMPLAINT.No.28/2023/B1 in the interests of justice.

**IA NO: 1 OF 2023**

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 grant special leave of this Hon'ble Court to the petitioner to present the writ petition against the order Dt.11-10-2023 passed in Complaint. No. 28/2023/B1, filed by the Respondents No.4 to 6 against the Respondent No.2 on the file of the Respondent No.3/Hon'ble Lokayukta, as it went against the Petitioner and pass such other order or orders during the pendency of the Writ Petition.

**IA NO: 3 OF 2023**

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 stay all further proceedings in the Complaint. No. 28/2023/B1, filed by the Respondents No.4 to 6 on the file of the Respondent No.3/Honble Lokayukta, during the pendency of the Writ Petition.

**Counsel for the Petitioner: SRI K. LAKSHMI MANOHAR**

**Counsel for the Respondent No.1: GP FOR MCPL ADMN URBAN DEV**

**Counsel for the Respondent No.2: SRI M. DRUGA PRASAD,  
SC FOR MUNICIPALITY**

**Counsel for the Respondent Nos.4 to 6: SRI MAGHAM MALLIKARJUN REDDY**

**Counsel for the Respondent No.3:---**

**The Court made the following: ORDER**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE**

**AND**

**THE HON'BLE SRI JUSTICE J.SREENIVAS RAO**

**WRIT PETITION No.33510 of 2023**

**ORDER:** *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. K.Laxmi Manohar, learned counsel for the petitioner.

Mr. Magham Mallikarjun Reddy, learned counsel for the respondents No.4 to 6.

2. With the consent of the learned counsel for the parties, the matter is heard finally.

3. In this writ petition the petitioner has assailed the validity of the order dated 11.10.2023 passed by the Lokayukta.

4. We have heard learned counsel for the parties at length and have perused the record.

5. Section 2(a) and (b) as well as Section 7 of the  
Telangana Lokayukta Act, 1983, read as under:

**“2. Definitions:-** (a) ‘*action*’ means an administrative action taken by a public servant by way of decision, recommendation or finding or in any other manner, and includes any omission and commission and failure to act in connection with or arising out of such action; and all other expressions connecting action shall be construed accordingly.

(b) ‘*allegation*’ in relation to a public servant means any affirmation that such public servant –

(i) has abused his position as such, to obtain any gain or favour to himself or to any other person, or to cause undue harm or hardship to any other person;

(ia) has failed to discharge the functions attached to his post.

(ii) was actuated in the discharge of his functions as such public servant by improper or corrupt motive and thereby caused loss to the State or any member or section of the public; or

(iii) is guilty of corruption, or lack of integrity in his capacity as such public servant.

.....

7. (1) Subject to the provisions of this Act, the Lokayukta may investigate any action which is taken by, or with the general or specific approval of, or at the behest of,-

(i) a Minister or a Secretary; or

- (ii) a Member of either House of the State Legislature; or
- (iii) a Mayor of the Municipal Corporation constituted by or under the relevant law for the time being in force; or
- (iii-a) a Vice Chancellor or a Registrar of a University;
- (iv) any other public servant, belonging to such class or section of public servants, as may be notified by the Government in this behalf after consultation with the Lokayukta, in any case where a complaint involving an allegation is made in respect of such action, or such action can be or could have been, in the opinion of the Lokayukta, the subject of an allegation.

(2) Subject to the provisions of this Act, the Upa-Lokayukta may investigate any action which is taken by, or with the general or specific approval of, any public servant, other than those referred to in sub-section (1), in any case where a complaint involving an allegation is made in respect of such action, or such action can be or could have been, in the opinion of the Upa-Lokayukta, the subject of an allegation.

(3) Notwithstanding anything in sub-section (2), the Lokayukta may, for reasons to be recorded in writing, investigate any allegation in respect of an action which may be investigated by the Upa-Lokayukta

under that sub-section, whether or not complaint has been made to the Lokayukta in respect of such action.

(4) Where two or more Upa-Lokayuktas are appointed under this Act, the Lokayukta may by general or special order, assign to each of them matters which may be investigated by them under this Act:

Provided that no investigation made by the Upa-Lokayukta under this Act and no action taken or thing done by him in respect of such investigation shall be called in question on the ground only that such investigation relates to a matter which is not assigned to him by such order."

6. Thus, it is evident that the Lokayukta has no jurisdiction to deal with the complaint. It is also pertinent to mention that the order passed by the Lokayukta is in contravention of the order dated 05.07.2023 passed by a Bench of this Court in W.P.No.3575 of 2023.

7. Therefore, the impugned order passed by the Lokayukta cannot be sustained in the eye of law. It is accordingly quashed.

8. In the result, the writ petition is allowed.



Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

**SD/-P.PADMANABHA REDDY  
ASSISTANT REGISTRAR**

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**SECTION OFFICER**

To,

1. The Prl. Secretary to Municipal Administration and Urban Development Dept, Secretariat Building, The State of Telangana, Hyderabad, TS.,
2. The Commissioner, Peerzadiguda Municipal Corporation, Peerzadiguda, Medchal-Malkajgiri District,
3. The Lokayukta of Telengana State, Basheerbagh, Hyderabad,
4. One CC to Sri K. Lakshmi Manohar, Advocate [OPUC]
5. One CC to Sri Magham Mallikarjun Reddy, Advocate[OPUC]
6. One CC to Sri M. Durga Prasad, SC for Municipality[OPUC]
7. Two CCs to GP for Municipal Administration Urban Development, High Court for the State of Telangana, at Hyderabad [OUT]
8. Two CD Copies

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**HIGH COURT**

**DATED:02/09/2024**

**ORDER**

**WP.No.33510 of 2023**



**ALLOWING THE WRIT PETITION**

**WITHOUT COSTS**

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28/9/24