

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND
THE STATE OF ANDHRA PRADESH

(Rule 4 (e) of the High Court of Judicature at Hyderabad for the States of
Telangana and Andhra Pradesh PUBLIC INTEREST LITIGATION RULE, 2015)

W.P.(PIL) NO. OF 2017

Between:

Forum for Good Governance,
(A non-profit organization Regd., vide Registration
No. 653 dt.19.10.2009), Having its Registered office
at Flat No. 204, G.K.R. Mansion, Saifabad,
Lakdikapul, Hyderabad – 500 004
rep. by its Secretary, Sri M Padmanabha Reddy,
S/o Sri M Ganga Reddy, aged about 76 years,
R/o Plot No. 91, Amar Society, Madhapur,
Hyderabad- 500 033, Bank A/c. No 370602010096206
Union Bank of India, Saifabad, Hyderabad.
Pan Number: AAAAF1653M,
Aadhar ID No. 572433865174,
Mobile No. 98492-69105,
Email address: ffggapindia@gmail.com

...Petitioner

AND

- 1) The State of Andhra Pradesh
Rep. by its Chief Secretary to Govt.
Secretariat, Velagapudi, Amaravathi – 522 238
Guntur District, Andhra Pradesh
- 2) The State of Andhra Pradesh
Rep. by its Principal Secretary to Govt.
Home (Legal.II) Department,
Secretariat, Velagapudi, Amaravathi – 522 238
Guntur District, Andhra Pradesh
- 3) The Election Commission of India

Rep. by its Secretary,
Nirvachan Sadan, New Delhi – 110 001.

....Respondents

1. PARTICULARS OF THE CAUSE/ORDER AGAINST WHICH THE PETITION IS MADE:

(i) Subject Matter in Brief:-

Petitioner is filing this writ petition by way of public interest litigation against Government of Andhra Pradesh which in the last two years has withdrawn prosecution against MLAs/MLCs and their associates (including ministers and speaker) who are involved in criminal cases. The withdrawal of cases is confined to legislators of Telugu Desam Party (TDP) ruling party. The act of the Government to with draw cases is misuse of power to protect tainted MLAs including ministers and speaker and Ex-MLAs and MLCs and number of their associates. 13 G.O.s were issued by Government of A.P. to with draw cases against MLAs and others should be quashed and the cases to be brought to logical conclusion through the courts where they are pending at present.

2. PARTICULARS OF PETITIONER:

I submit that I am the petitioner herein and as such I am well acquainted with the facts of the case.

LOCUS STANDI:

I submit that Petitioner organization is a nonprofit organization registered vide Registration No.653 on 19-10-2009 founded by a few retired All India Service Officers and social activists who have all come together under the leadership of a

retired High Court Judge, with an objective to secure good governance at all levels, to resist the state abdicating its primary responsibility in providing good quality education and health services for all, build public opinion for the overdue electoral reforms, strive for enabling the various constitutional and autonomous institutions of the State to function effectively, campaign for the much-needed decentralization and reforms in administration etc. Copy of registration is filed as **Exhibit P1** and it is prayed that the same may be treated as part and parcel of this affidavit. The organization runs on the contributions from its founder members and other persons interested in furthering the cause of the forum. I had already collected the relevant documents and filing this Writ Petition (PIL) before this Hon'ble Court.

I hereby affirm and state on oath that the petitioner(s) herein has/have no personal interest in the subject matter of this petition. The petitioner hereby undertakes to pay exemplary costs and/or compensatory damages as directed by this Court in the event of a contrary finding upon adjudication by the Court that the writ petition is filed for extraneous/personal considerations or with an oblique motive. The petition is being filed against withdrawal of cases pending against MLAs (Ministers, Speaker, Ex MLAs and MLCs and their supporters) as illegal, arbitrary, against the principals of good governance and consequently to direct the respondents state government to cancel the G.O.s issued to withdraw the cases against MLA (Ministers, Speaker, Ex MLAs & MLCs and their followers)

belonging to ruling party. This Hon'ble court has got both territorial and pecuniary jurisdiction to entertain above Public Interest Litigation petition under the PIL rules 2015, since the cause of action arose in state of Andhra Pradesh which is well within the jurisdiction of the Hon'ble High court.

I further submit that the Petitioner is not involved in any Civil, Revenue, and Criminal Litigation in any capacity before any Court or Tribunal. However, the Petitioner in its capacity as a Non-Governmental organization has filed Public Interest Litigations before this Hon'ble High Court, some of which are as follows:

List of P.I.Ls in High Court filed by FGG

S. No.	PIL No.	Subject	Stage of the case
1.	361/2015	BRS	Pending
2.	27/2016	Musi River	Pending
3.	14896/2016	G.O. Website	Pending
4.	145/2016	Secretariat	Pending
5.	207/2017	CDP funds	Pending

3. DECLARATION AND UNDERSTANDING OF THE PETITIONER:

I, M. Padmanabha Reddy, S/o M Ganga Reddy, aged about 76 years, Occ: Retired Government servant and presently functioning as the Secretary of the Petitioner organization, resident of Plot No. 91, Amar Society, Madhapur, Hyderabad- 500 033, do hereby swear under oath and sincerely affirm as follows:

1. That the present petition is filed by way of Public Interest Litigation and the Petitioner does not have any personal interest in the matter. I am a retired All India Services Officer, presently functioning as the Secretary of the Petitioner

organization herein and as such I am well acquainted with the facts of this case and able to depose as follows:

2. That the entire litigation cost including the Advocate's fee and other charges are being borne by the Petitioner. The PAN number of the Petitioner is already mentioned above.

3. That thorough research has been conducted in the matter raised through this petition. All the relevant documents pertinent to the subject are discovered by the Petitioner to this petition. The Petitioner collected the information through following the procedure stipulated by the Authorities and through internet.

4. That to the best of Petitioner's knowledge and research, the issue that is raised was not dealt with or decided and that a similar or identical petition was not filed earlier by the Petitioner.

5. I submit that, I am filing this PIL after obtaining the relevant documents and after submitting representations, consequently after having been completely satisfied that the G.O.s issued to withdraw the criminal cases against MLAs (Ministers, Speaker, Ex MLAs and MLCs and their followers) as illegal, arbitrary against the principals of good governance and consequently to direct the respondent State Government to take immediate steps to cancel all the G.O.s issued to withdraw cases against MLAs (including ministers, Speaker, Ex MLAs and MLCs and their followers) for good governance and natural justice.

4. That the Petitioner understood that in the course of hearing of this Petition, this Hon'ble Court may require any security to be furnished towards costs or any other charges and the petitioner shall comply with such requirements. This issue was not dealt with or decided earlier and I have not filed any similar or identical petitions earlier. I also understood that in the course of hearing of this petition, I may be required to furnish any security towards any cost or any other charges and I will comply with such requirement.

4. FACTS IN BRIEF:

(i) I submit that criminalization of politics is a serious problem being faced by the country. Hon'ble Supreme Court of India has passed orders to dispose of cases pending against MLAs and MPs within one year where courts have taken cognizance of the matter. Public discussion is going on regarding putting life time ban to contest elections if he is convicted in any criminal case. Further it is proposed to establish special courts for speedy disposal of cases pending against MLAs, MLCs and MPs.

ii) While the Hon'ble Supreme Court, Government of India, Election Commission of India are seized of the problem of speedy disposal of cases and to prevent criminals entering Assemblies and Parliament, the Government of A.P. with ulterior motive to protect tainted politicians is issuing G.O.s with drawing

cases. Copies of G.O.s issued are filed as Exhibits **P2 to P14** and it is prayed that the same may be treated as part and parcel of this affidavit.

iii) Copies of G.O.s issued were downloaded from internet and studied. Based on the information available a representation dated 15.05.2017 was filed with Election Commission of India with a request to order for an enquiry Exhibit **P 15** and it is prayed that the same may be treated as part and parcel of this affidavit. We have also marked a copy of to Ministry of Home Affairs, Government of India.

iv) Ministry of Home Affairs Government of India vide F.No.IV/15014/01/2017-CSR-II (Vol.I) dated 27.06.2017 while forwarding my representation to Election Commission of India requesting to take further necessary action in the matter Exhibit **P 16** and it is prayed that the same may be treated as part and parcel of this affidavit, so far there is no response from Election Commission of India.

v) To know about the action taken by Election Commission of India I filed R.T.I. application dated 18.09.2017 with Election Commission of India. But there is no response even to R.T.I. application, enclosed as Exhibit **P 17** and it is prayed that the same may be treated as part and parcel of this affidavit.

vi) The action of the government in withdrawing the cases of ruling party MLAs/MLCs and their associates, not only arbitrary, malafide but also in utter violation of sec. 321 of Cr.P.C.

Source of Information: Internet and R.T.I. application

5. Nature and extent of injury caused / apprehended.

By withdrawing criminal cases against MLAs (ministers, speaker, Ex MLAs and MLCs) the government of A.P. have set a bad example and it is apprehended that the criminals will enter into politics with a hope that government some day or other will withdraw criminal cases pending against them.

6. Any representations etc. made: Representation was made to Election Commission of India and Ministry of Home Affairs , Government of India. Till now there is no response from Election Commission of India.

7. Delay if any: There is no delay in filing this PIL.

8. Documents relied upon:

- i) Certificate of Registration of petitioner society
- ii) G.O.Rt.No.647, Home (Legal.II) Department, dated 04.06.2015,
- iii) G.O.Rt.No.704, Home (Legal.II) Department, dated 23.06.2015,
- iv) G.O.Rt.No.128, Home (Legal.II) Department, dated 27.02.2016,
- v) G.O.Rt.No.143, Home (Legal.II) Department, dated 04.03.2016,
- vi) G.O.Rt.No.278, Home (Legal.II) Department, dated 21.04.2016,
- vii) G.O.Rt.No.650, Home (Legal.II) Department, dated 06.09.2016,
- viii) G.O.Rt.No.651, Home (Legal.II) Department, dated 06.09.2016,
- ix) G.O.Rt.No.664, Home (Legal.II) Department, dated 09.09.2016,

- x) G.O.Rt.No.679, Home (Legal.II) Department, dated 14.09.2016,
- xi) G.O.Rt.No.907, Home (Legal.II) Department, dated 29.12.2016,
- xii) G.O.Rt.No.97, Home (Legal.II) Department, dated 07.02.2017,
- xiii) G.O.Rt.No.192, Home (Legal.II) Department, dated 10.03.2017,
- xiv) G.O.Rt.No.261, Home (Legal.II) Department, dated 28.03.2017,
- xv) Copy of the representation of petitioner society dated 15.05.2017
- xvi) Copy of Ministry of Home Affairs Government of India vide
F.No.IV/15014/01/2017-CSR-II (Vol.I) dated 27.06.2017
- xvii) Copy of the application made under Right to Information Act, 2005 dated
18.09.2017

8A) In the circumstances stated above, the petitioner has no efficacious alternative remedy except to seek the Redressal from this Hon'ble Court seeking the indulgence of this Hon'ble Court to exercise its extraordinary original jurisdiction vested in this Hon'ble Court by virtue of Article 226 of the Constitution of India.

9) **Relief prayed is as follows:**

It is respectfully prayed that this Hon'ble Court, in the interests of justice be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of second respondent in issuing G.O.Rt.No.647, Home (Legal.II) Department, dated 04.06.2015, G.O.Rt.No.704,

Home (Legal.II) Department, dated 23.06.2015, G.O.Rt.No.128, Home (Legal.II) Department, dated 27.02.2016, G.O.Rt.No.143, Home (Legal.II) Department, dated 04.03.2016, G.O.Rt.No.278, Home (Legal.II) Department, dated 21.04.2016, G.O.Rt.No.650, Home (Legal.II) Department, dated 06.09.2016, G.O.Rt.No.651, Home (Legal.II) Department, dated 06.09.2016, G.O.Rt.No.664, Home (Legal.II) Department, dated 09.09.2016, G.O.Rt.No.679, Home (Legal.II) Department, dated 14.09.2016, G.O.Rt.No.907, Home (Legal.II) Department, dated 29.12.2016, G.O.Rt.No.97, Home (Legal.II) Department, dated 07.02.2017, G.O.Rt.No.192, Home (Legal.II) Department, dated 10.03.2017, G.O.Rt.No.261, Home (Legal.II) Department, dated 28.03.2017, withdrawing criminal cases against the MLAs/MLCs and their associates as illegal, arbitrary, malafide and also in utter violation of Section 321 of Cr.P.C. and set aside the same and pass such other order as deemed fit and proper in the circumstances of the case.

10 Interim Prayer :

It is hereby prayed that this Hon'ble Court may be pleased to suspend the operation of G.O.Rt.No.647, Home (Legal.II) Department, dated 04.06.2015, G.O.Rt.No.704, Home (Legal.II) Department, dated 23.06.2015, G.O.Rt.No.128, Home (Legal.II) Department, dated 27.02.2016, G.O.Rt.No.143, Home (Legal.II) Department, dated 04.03.2016, G.O.Rt.No.278, Home (Legal.II) Department, dated 21.04.2016, G.O.Rt.No.650, Home (Legal.II) Department, dated 06.09.2016,

G.O.Rt.No.651, Home (Legal.II) Department, dated 06.09.2016, G.O.Rt.No.664, Home (Legal.II) Department, dated 09.09.2016, G.O.Rt.No.679, Home (Legal.II) Department, dated 14.09.2016, G.O.Rt.No.907, Home (Legal.II) Department, dated 29.12.2016, G.O.Rt.No.97, Home (Legal.II) Department, dated 07.02.2017, G.O.Rt.No.192, Home (Legal.II) Department, dated 10.03.2017, G.O.Rt.No.261, Home (Legal.II) Department, dated 28.03.2017 withdrawing criminal cases against MLAs/MLCs and their associates issued by second respondent, pending disposal of the above writ petition (PIL) and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

11. **Caveat:** I submit that no notice has been received for lodging a caveat by the respondent.

Place : Hyderabad

Date :: .11.2017

Petitioner.

Advocate for Petitioner

VERIFICATION STATEMENT

I, M. Padmanabha Reddy, S/O Sri M Ganga Reddy, aged about 76 years, Occ: Retired Government Officer, and presently functioning as the Secretary of the Petitioner organization, resident of Flat No. 204, G. K. R. Mansion, Lakdi-Ka-Pul, Hyderabad, the Petitioner herein whatever facts stated above in the above affidavit are true to the best of my knowledge and belief. Solemnly affirm at Hyderabad on this the day of November, 2017.

Signature of Petitioner

Advocate for Petitioner.