



High Court for the state of Telangana.

e-newsletter



Hon'ble the Chief Justice: Sri Justice Raghvendra S. Chauhan

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Justice Raghvendra S. Chauhan
CHIEF JUSTICE



HIGH COURT FOR THE STATE OF TELANGANA
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FOREWORD

On 1.1.2019 the High Court for the State of Telangana has finally emerged on the judicial horizon. In order to highlight the concerns and achievements of the High Court, the High Court has decided to publish the e-Newsletter once in three months. E-Newsletter would not only contain the major events of the High Court, but would also showcase the activities of the Telangana Judicial Academy, and of the State Legal Services Authority. Moreover, it will also contain brief notes on important decisions of the High Court in order to reflect the contribution of the High Court to the development of jurisprudence. For the knowledge of public at large and for the relevant stakeholders, e-Newsletter would also contain the latest notifications, the availability of vacancies, pendency of cases and disposal of cases.

I am certainly grateful to Brother Justice M.S. Ramachandra Rao, and Brother Justice P. Naveen Rao for their immense guidance in compiling the first e-Newsletter for the High Court. I am sure, in the days to come, the e-Newsletter would be useful to the legal fraternity.


RAGHVENDRA SINGH CHAUHAN

From the Editor's Desk

The year 2019 had begun on a happy note with the High Court for the State of Telangana coming into existence on 01.01.2019 with the Presidential Notification upon Bifurcation of composite High Court for both the States of Telangana and Andhra Pradesh.

The High Court for the State of Telangana had decided to start this e-newsletter to provide regular and authentic information on functioning of State Judiciary and its institutions. The information contained herein is for benefit of not only the Lawyers, Judges and Law Students, but also the Citizens, who, for the first time have access to statistics regarding Institutions, pendency and disposal of cases at various levels, vacancies in different sub-ordinate courts, Important judgments of High Court delivered during the period and important activities of various State Judicial institutions.

Recently, Hon'ble Sri Justice N.V Ramana, Hon'ble Sri Justice L. Nageswara Rao and Hon'ble Sri Justice R. Subhash Reddy have graced the centenary celebrations of the High Court building.

The State Legal Services Authority conducted a seminar on "*Recent Trends of Insolvency and Bankruptcy code, 2016*" and its implications on 28.4.2019 at Hyderabad, wherein Hon'ble Sri Justice S.J Mukhopadhyaya Chairperson, NCLAT, New Delhi and former Judge Supreme Court of India has addressed the gathering.

The Telangana State Judicial Academy's new 334 seating capacity fully equipped and acoustically designed Auditorium was inaugurated by Hon'ble Sri Justice N.V. Ramana in the august presence of Hon'ble Sri Justice L. Nageswara Rao and Hon'ble Sri Justice R. Subash Reddy, Hon'ble Judges of Supreme Court of India and Hon'ble Sri Justice Raghvendra S. Chauhan, the Hon'ble the Chief Justice of Telangana State High Court and Patron in Chief of the Academy along with other dignities have graced the occasion.

The Mediation and Arbitration Centre of the Telangana State Legal Services Authority has conducted a 3 days 20 hours Refresher Programme in the month of June, 2019.

We believe that a bulletin of this nature will create public awareness of the working of the legal system of the State.

We hope that the e-newsletter will disseminate vital information about this High Court's and State Judicial Institutions in future.

Justice M.S. Ramachandra Rao

From the Editor's Desk

We have begun the New Year with historic milestone with the establishment of separate High Court for the State of Telangana and all the 12 Judges including the Chief Justice have taken oath as Judges of High Court for the State of Telangana.

As part of new initiatives, we are launching e-newsletter. Through this e-newsletter, we shall share the information on pendency, institution and disposal of cases across the board in the High Court and Sub-ordinate Courts, important events that have taken place, future plans and activities that are likely to unfold. We propose to add more to the content of e-newsletter in the future publications.

Justice Ponugoti Naveen Rao

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This e-newsletter is intended to provide public access to information on the activities of the State Judiciary in general. While every step has been taken to avoid errors/omissions, information given in the e-newsletter is merely for reference and must not be taken as having the authority of, or being binding in anyway on the Editorial Board of the e-newsletter and the officials involved in compilation thereof, who do not woees any responsibility whatsoever for any loss, damage, or distress to any person, whether or not a user of this e-publication, on account of any action taken or not taken on the basis of the information given in this e-newsletter.

HIGH COURT JUDGES



**Sri Justice
Raghvendra S. Chauhan
Hon'ble the Chief Justice**



**Sri Justice
P.V. Sanjay Kumar**



**Sri Justice
M.S. Ramachandra Rao**



**Sri Justice
Adavalli Rajasheker Reddy**



**Sri Justice
Ponugoti Naveen Rao**



**Sri Justice
Challa Kodanda Ram**



**Dr. Justice
Shameem Akther**

HIGH COURT JUDGES



**Sri Justice
P. Keshava Rao**



**Sri Justice
Abhinand Kumar Shavili**



**Sri Justice
T. Amarnath Goud**






Justice G. Sri Devi



HIGH COURT FOR THE STATE OF TELANGANA

Transfers From 1-1-2019 to 30-6- 2019

S.No	From	To	Name of the Hon'ble Judge	Date of Transfer/ Farewell
1	High Court For the State of Telangana	Calcutta High Court	 Hon'ble Sri Justice Thottathil B. Radhakrishnan	02-04-2019
2	High Court For the State of Telangana	Himachal Pradesh High Court	 Hon'ble Sri Justice V. Ramasubramanian	22-06-2019
3	Allahabad High Court	High Court for the State of Telangana	 Justice G. Sridevi	15-05-2019



HIGH COURT REGISTRARS

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	Sri Radhakrishnan Chahavan REGISTRAR (I.T.-cum-CENTRAL PROJECT COORDINATOR)	cpc-tshc@ajj.gov.in



Some Important Events of Telangana High Court at a Glance:

- From 02.06.2014 the State of Telangana is formed by being carved out from the composite State of Andhra Pradesh.
- The High Court of Andhra Pradesh was renamed as High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh and started functioning from 02.06.2014 as common High Court for both the States.
- From 01.01.2019 the common High Court for both the States is divided and a separate High Court is formed in the name of High Court for the State of Telangana with 13 Hon'ble Judges.
- All the Hon'ble Judges have taken oath on 01.01.2019.
- Hon'ble Sri Justice Thottathil B. Nair Radhakrishnan has become the first Chief Justice of High Court for the State of Telangana.
- Hon'ble Sri Justice Thottathil B. Nair Radhakrishnan was transferred and Hon'ble Sri Justice Raghvendra Singh Chauhan has become the Acting Chief Justice on 04.04.2019.
- The High Court has celebrated Centenary Celebrations of High Court Building on 20.04.2019 and Hon'ble Sri Justice N.V. Ramana, Hon'ble Sri Justice L. Nageswara Rao and Hon'ble Sri Justice R. Subhash Reddy, Supreme Court Judges have graced the occasion.
- Hon'ble Sri Justice Raghvendra Singh Chauhan has sworn-in as the Chief Justice of High Court for the State of Telangana on 22.06.2019.
- Hon'ble Sri Justice Raghvendra Singh Chauhan has unfurled the national flag in the High Court premises on the occasion of Telangana Formation Day i.e., on 2nd June, 2019.



Events of the High Court

Hon'ble Sri Justice Thottathil Bhaskaran Nair Radhakrishnan takes oath as the Chief Justice of High Court for the State of Telangana at a swearing-in ceremony on 1-1-2019



Hon'ble Sri Justice Thottathil Bhaskaran Nair Radhakrishnan, first Chief Justice of High Court for the State of Telangana with the Hon'ble Judges of High Court for the State of Telangana



Swearing ceremony of the Telangana High Court Judges



Sri Justice Raghendra S. Chauhan



Sri Justice V. Ramasubramanian



Sri Justice P.V. Sanjay Kumar



Sri Justice M.S. Ramachandra Rao



Sri Justice Adavalli Rajasheker Reddy



Sri Justice Ponugoti Naveen Rao



Swearing ceremony of the Telangana High Court Judges



Sri Justice Challa kodanda Ram



Dr. Justice B. Sivasankar Rao



Dr. Justice Shameem Akther



Sri Justice P. Keshava Rao



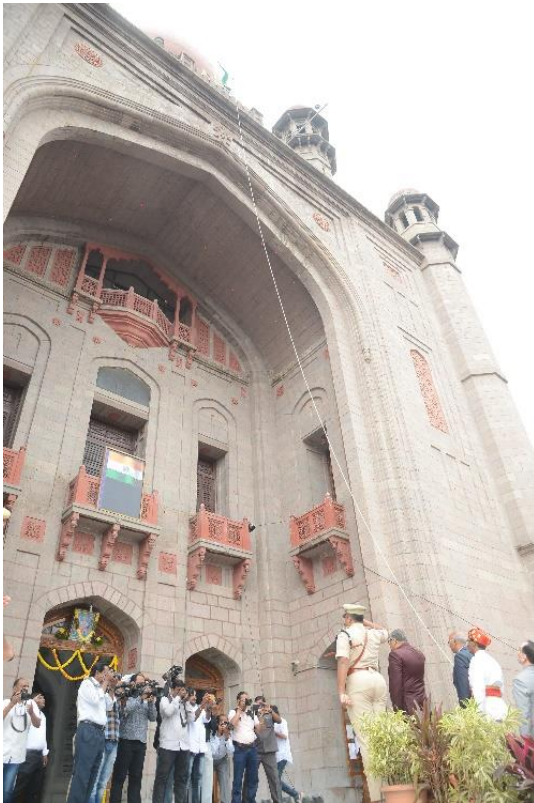
Sri Justice Abhinand Kumar Shavili



Sri Justice T. Amarnath Goud



The First chief Justice of the High Court for the State of Telangana, Hon'ble Sri Justice Thottathil Bhaskaran Nair Radhakrishnan hoist the National flag on the occasion of the Republic Day i.e.26-1-2019.



The celebration organized to mark the completion of 100 years of
Telangana High Court building



Hon'ble Judges of the Supreme Court Hon'ble Sri Justice N.V. Ramana, Hon'ble Sri Justice L. Nageswara Rao and Hon'ble Sri Justice R. Subhash Reddy lighting the Lamp on the Centenary celebrations of the High Court Building.



Hon'ble Sri Justice Raghvendra S. Chauhan and Hon'ble Sri Justice V. Ramasubramanian lightening the lamp in the august presence of the Hon'ble Supreme Court Judges



Hon'ble Sri Justice Raghvendra S. Chauhan addressing in the Centenary Celebrations of the High Court building



Telangana Formation Day: The Hon'ble the Chief Justice Raghvendra S. Chauhan addressing the gathering of dignitaries



High Court bids Farewell to the Hon'ble Sri Justice Thottathil Bhaskaran Nair Radhakrishnan on the occasion of his lordship's transfer as Chief Justice Calcutta High Court on 01.04.2019



High Court bids Farewell to the Hon'ble Sri Justice B. Sivasankar Rao on the occasion of his lordship's retirement on 9.4.2019



Swearing ceremony of Justice Sri Devi as Additional Judge High for the State of Telangana on 15.5.2019.



High Court bids Farewell to the Hon'ble Sri Justice V. Ramasubramanian on the occasion of his lordship's elevation as Chief Justice of Himachal Pradesh High Court on 20.06.2019



Hon'ble Sri Justice Raghvendra S. Chauhan takes oath as the Chief Justice of the High Court for the State of Telangana on 22.06.2019.



Hon'ble the Chief Justice Sri Raghvendra S. Chauhan, Hon'ble Sri Justice P.V. Sanjay Kumar and Hon'ble Sri Justice A. Rajasheker Reddy inaugurating the Mediation and Conciliation room in the Legal Services Authority Building in the High Court Premises



Hon'ble the Chief Justice Sri Raghvendra S. Chauhan on the Occasion of inauguration of Telangana Bar Council website inauguration



The Hon'ble The chief Justice Sri Raghvendra S. Chauhan performing Yoga on the Yoga day
i.e. on 21.06.2019



**Some of the important and latest judgments delivered by Hon'ble Judges
of this High Court are as follows:**

Hon'ble the Chief Justice Sri Raghvendra S. Chauhan

1) Subject: Constitution of India – X Schedule -Para 8

Case No: W. P. No 2698 of 2019

Facts: Petitioner contested biennial elections held on 12-12-2015 for the Council, from the constituency of Nizamabad local authorities and declared unanimously elected to the council-respondents 3 and 4 filed disqualification petition alleging that though the petitioner was elected as a member of the TRS Party, he had indulged in antiparty activities: that he joined INS party and contested on behalf of INC Party, in the pre-elections from Nizamabad local authorities constituencies and his election was not based on a party symbol – The disqualification petition was based on Newspaper clippings, media reports and videos whose authenticity is under challenge: that though he had fought the election on the plank of INC party, it was part of the strategy of TRS party: That he neither acted against the interests of the TRS party nor earned any disqualification under Para 2(1)(a) of the tenth schedule to the Constitution of India. Respondent No.1; however by order dated 16-01-2019 declared the petitioner as disqualified from being a MLC, which is challenged in the Writ Petition.

Held: Although the learned counsel for respondents no. 3 and 4 as termed the challenge as being academic, it is a holistic attack both on Law and facts and the challenge cannot be set to be merely academic – once the Constitution validity of the opinion is questioned generally the court should answer the question and should not brunch the legal issues under the carpet by dubbing the legal issues merely academic – the contention raised by learned council respondent 3 and 4 is unacceptable.

Further, held that the doctrine of Separation of powers, which assigns different powers and assigns areas of functioning to each branch of state, is not as rigidly as demarcated in the Indian Constitution as in the American Constitution. Thus, it was held that the learned Chairman was certainly justified in disqualifying the petitioner - under Para 2(1)(a) of the tenth Schedule of Constitution of India is declared to be constitutionally valid similarly Rule 7(4) of the members of the Telangana Legislation Council (Disqualification and grand of defection) Rules held to be Constitutional. The impugned order dated 16-01-2019 is confirmed and the Writ Petition is dismissed as devoid of merits.

2) Subject: Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986

Case No. W.P. No. 44808 of 2018

Facts: The Police have registered three different cases against the detenu under the Narcotic Drugs and Psychotropic Substance Act ('the NDPS Act' for short) during 2016-17. Relying on the two criminal cases registered in 2017, the Commissioner of Police passed a detention order on 22-05-2018 against the detenu. The detenu was also granted bail in two cases, the chances of his being granted bail in



the other cases was too high - Therefore in order to prevent the detenu from disturbing the public order, the said preventive detention order was subsequently confirmed by the respondent No. 1 by its order dated 31-07-2018.

Held: That the detenu was granted bail on the previous occasions has not prevented him from subsequently committing an offence under the NDPS Act. Hence it is imperative that the detenu be detained by the respondents 2 and 1. While dealing with preventive detention cases qua offences committed under the NDPS Act, the court has to be alive to the "impact of the offence" on the society at large. Considering his previous conduct, the detaining authority was certainly justified in concluding that *"There is an imminent possibility of detenu indulging in similar prejudicial activities, which are detrimental to public order, unless he is prevented from doing so by an appropriate order of detention"* - In the present case, the bail orders passed in favor of the detenu were considered by the detaining authority. When bail orders were considered, it cannot be said that the conditions imposed in the said orders were not considered. Hence, for the reasons stated above, this court does not find any merit in the present writ petition. It is, hereby dismissed.

Hon'ble Sri Justice P. V. Sanjay Kumar

1) Subject: State Electricity Board Employees' Discipline and Appeal Regulations

Case No: W.A. Nos. 1541 of 2018.

Citations - 2019 (1) ALT 127 =2019 (1) ALD 420

Facts: The Petitioner of these appeals Northern Power Distribution Company Ltd of Telangana State (TSNPDCL) and its officials informed the respondent – writ petitioner that his contract services would be terminated - he preferred an appeal – aggrieved by the non-disposal of the said appeal he filed another writ petition – The learned Judge directed the appellate authority, the superintending Engineer (Operations), TSNPDCL, Karimnagar to dispose of the pending appeal within a time frame, duly assigning reasons in support of his decision.

Held: That the appeal provision specifically states that 'every employee' is entitled to appeal in the appellate authority – As Regulation 13(b) clearly demonstrates that even a contract employee is entitled to file an appeal there under – It is not in dispute that 'dismissal from service is one of the penalties stipulated in Regulation 5. Therefore, any contract employee who is 'dismissed from service' would have the right of appeal under Regulation 13(a) of the Regulations - Therefore find no merit in the contention of the appellants that the respondent-writ petitioner has no right of appeal against the termination notice dated 4.3.2014 issued to him. The appeals are devoid of merit and are accordingly dismissed.

2) Subject: Constitution of India, 1950, Civil Procedure code, 1908 and Commercial Division and Commercial Appellate Division of High Courts Act, 2015

Case No: C.R.P No. 3877 of 2018.

Citations - 2019 (2) ALT 47 = 2019 (2) ALD 671

Facts: COS No.4 of 2016 on the file in Sessions Court for recovery – By order dated 27-03-2018, the trial court dismissed the IA. Aggrieved thereby, the petitioner-plaintiff is before this Court by way of this CRP filed under Article 227 of the Constitution.

Held: The language of the provision makes it clear that admissions need not be made only in writing in the pleadings or otherwise – Such admissions could be oral or in writing and could even be inferred from the facts and circumstances of the case. In (2005) 11 SCC 279, the Supreme Court observed that



Order 12 Rule 6 CPC was enacted for the purpose - in order to expedite trials if there is any admission behalf of the defendants or an admission can be inferred from the facts and circumstances of the case. The argument of the learned Counsel that the mere nomenclature given by this Court to a petition filed under Article 227 of the Constitution would bring it within the bar envisaged by sec – 8 of the Act of 2015 therefore cannot be accepted. It is the ordinary revisional jurisdiction vesting in this court that is barred by Sec-8 of the Act of 2015 and not the power of superintendence vesting in this court under the Constitution. In the light of the positive edict laid down by the Supreme Court in (2005) 8 SCC 618, the constitutional powers vesting in this Court under Articles 226 and 227 would not be available against an interim order passed by an Arbitral Tribunal, notwithstanding the fact that there is no specific provision in the Arbitration and Conciliation Act, 1996, barring the same.

This Court finds that the trial court erred in concluding that unless an admission is made in the courts of the pleadings, it cannot be taken into account for the purposes of Order 12 Rule 6 of CPC. The order under revision holding to this effect is set aside and IA no.38 of 2018 in COS No.4 of 2016 is restored to file of the trial Court for consideration afresh on its merits and in accordance with law.

Hon'ble Sri Justice M.S. Ramachandra Rao

1) Subject: Charitable Religious institutions & Endowments Act, 1987 and TTD Employees Service Rules, 1989

Case No: W. P. No. 38118 of 2018.

Citation - 2019 (1) ALT 235

Facts: This Writ petition has been filed by petitioners assailing Proceedings No.TS3/18528/AEO (G)/2010 dated 27.6.2018 issued by the Tirumala Tirupathi Devasthanam (for short "TTD/2nd respondent"). Archakatvam in the Sri Padmavathi Ammavari Temple, Tiruchanoor was being done for generations together by members of four families. The petitioners were appointed as Sambhavana Archakas in Sri Padmavathi Ammavari Temple, Tiruchanoor vide proceedings Roc.No. TS3/28151/AEO (G)/1987 dated 10.2.2006 of the Executive Order of the TTD. By the impugned order, the Executive Officer of the TTD, following rule 12(2) of T.T.D. Employees Service rules, 1989, which were framed vide G.O. Ms. No. 1060 Revenue (Endts.I) Department dated 24.10.1989 and a Trust Board Resolution of the 2nd respondent i.e., No.50 dated 16.5.2018, directed that petitioners had attained 65 years of age, and they should be retired from service as Sambhavana Archakas in the above Temple with immediate effect. This action of the TTD in treating petitioners as employees of the TTD and applying to them the Service Rules of its employees which provide superannuation at 65 years of age, is assailed in this writ petition.

Held: The T.T.D. ought to have taken note of the fact that the State Government as well as the Supreme Court - treated hereditary Archakas as a special category entitled to special benefits (not on par with other employees of the TTD) notwithstanding the abolition of hereditary rights with a view to preserve customs and usage and sanctity of religious rituals handed to the present generation of Archakas from their ancestors from generation to generation and ensure the traditional temple rituals are performed strictly as per the particular sastra governing the temple. In the considered opinion of this Court, the Trust Board of the T.T.D. did not keep in mind the above relevant factors in mind and erroneously came to the conclusion that rules applicable to other employees of T.T.D. including age of superannuation automatically apply to the petitioners as well. This Court also hold that there is no rule framed as yet by the State Government regarding age of superannuation to



persons like the petitioners, who belong to the families of erstwhile hereditary Archakas, and who have been employed as Archakas on 10.2.2006 and continued under sub-section(3) of Section 34 of the Act; that it's intention expressed in G.O. Ms. No.76 dated 16.12.2017 is not to prescribe age of superannuation for persons like the petitioners; and so, the Trust Board of the T.T.D. has no jurisdiction to pass Resolution No.50 dated 16.5.2018 to apply to petitioners rules which apply to TTD's other employees and the 2nd respondent has no jurisdiction to issue Proceedings No.TS3/18528/AEO(G)/2010 dated 27.6.2018 retiring the petitioners at the age of 65 years.

This Court hold that the Resolution No.50 dated 16.5.2018 of the Trust Board of the T.T.D. as well as the Proceedings No.TS3/18528/AEO(G)/2010 dated 27.6.2018 issued by the 2nd respondent are illegal, unconstitutional and violative of Articles 14 and 25 of the Constitution of India and the petitioners cannot be made to retire on attaining 65 years of age - the said Resolution of the Trust Board of the T.T.D. and the Proceedings of 2nd respondent are accordingly set aside; and the respondents are directed to forthwith restore the services of petitioners as Sambhavana Archakas in Sri Padmavathi Ammavari Temple, Tiruchanur and allow them to discharge their duties as such as long as they are physically fit. The writ petition is accordingly allowed.

2) Subject: Arbitration & Conciliation Act, 1996 and Commercial Courts, Commercial Division and Commercial Appellate Division of the High Court's Act, 2015

Case No: EP No. 3 of 2017.

Citation - 2019 (1) ALT 148

Facts: This Execution Petition is filed under Section 47 of the Arbitration and Conciliation Act, 1996 read with provisions of Section 2(1) (c), 7 and 10(i) of the Commercial Courts, Commercial Division and Commercial Appellate Division of the High Court's Act, 2015 (Act 4 of 2016) to recover a sum of US \$ 2,143,168 equivalent to INR 14,27,75,708.87 pursuant to an Arbitral Award passed in London on 05.04.2016 by a Three-Member Arbitration Tribunal (for short 'the Tribunal') after adjudication of the dispute between the parties. The petitioner and respondent entered into a contract 'KTS 201310338' dated 30-4-2013 whereby the petitioner agreed to sell and the respondent agreed to buy 50,000 Metric Tonnes (M.T.) of Di Ammonium Phosphate (for short, 'D.A.P.') (later split into two contracts) with a shipping tolerance of 10% at the option of the petitioner at a price of US \$ 515 per M.T. on C.F.R. basis. The value of this contract is US \$ 25.75 Million equivalent to 167.37 crores. It provided that payment was to be by irrevocable confirmed Letter of Credit, (for short 'LC') Payment at sight and the LC was to be established by State Bank of India or another bank acceptable to sellers.

Held: This Court find that the subject award is not contrary to the 'public of India'; that there factually no violation of F.E.M.A.; and enforcement of a foreign Award like the subject Award ought not to be declined on any of the grounds raised by the respondent. Moreover, Explanation 2 to Sec. 48(2) of the Arbitration and Conciliation Act, 1996 prohibits a review on merits of the dispute when considering the question of alleged contravention of fundamental policy of Indian law. As already noted earlier, in Shri Lal Mahal (supra), the Supreme Court followed Renusagar (supra) and held that for the purposes of Section 48(2) (b), the expression "public policy of India" must be given a narrow meaning and the enforcement of the foreign award would be refused on the ground that it is contrary to the public policy of India if it is covered by one of the three categories enumerated in Renusagar (supra), i.e., (i) fundamental policy of Indian law; or (ii) interests of India; or (iii) justice or morality. It also declared that Section 48 does not give an opportunity to have a "second look" at the foreign



award in the award enforcement stage and the scope of enquiry under Section 48 does not permit review of the foreign award on merits.

Accordingly, this Court reject all the contentions raised by the respondent opposing the execution of the Award dated 05.04.2016, passed by the Arbitral Tribunal and hold that it is executable. Consequently, there shall be an order attaching the building with D. No. 8-2-248, Nagarjuna Hills, Punjagutta, Hyderabad – 500082 as well as shares in Jaiprakash Engineering and Steel Company Limited (JESCO) owned by the respondent for recovery of US \$ 2,143,168 which was awarded to the petitioner under the said Award under Order XXI Rule 46 and 54 of Civil Procedure Code, 1908.

Hon'ble Sri Justice A. Rajasheker Reddy

1) Subject: Constitution of India - Article 226 & G.O.Ms. No.8

Case No: W.P. No. 21783 of 2018.

Citation - 2019 (1) ALT 509

Facts: These writ petitions are filed by the near relatives of the life convicts against whom convictions are recorded and sentenced to undergo imprisonment for life. To appreciate the lis in the matter, facts in WP No.21783 of 2018 are adverted to as it includes the cause in other cases. The grievance of the petitioners is that the convicts in question have undergone the sentence of imprisonment for more than 10 years and they are entitled for grant of special remission in the light of the guidelines issued in G.O. Ms. No.8, Home (Paroles) Department, dated 23.1.2018, but the cases of convicts, whose release is being not considered - reasons not being disclosed - for grant of special remission and their release from jails.

Held: Though the power to review the cases forward by the Internal Scrutiny Committee vests with the Standing Committee constituted under clause 12 of the G.O., but right accrued to the eligible convicts to be considered for premature release cannot be nibbled without objectively examining their case. The policy framed by the Government is in tune with the International conventions on life and liberty of the citizens including prisoners, to which India is a signatory. At the same time, this court is not compassionate and considerate of the life convicts who are enduring nightmare for the gruesome offences committed by them, but it is only on the principle of fair play, legitimate expectation and the guidelines framed by the Government their cases have to be examined having regard to the conditions stipulated in the matter. Review power vested in the Standing Committee cannot be construed to lay down fresh conditions/guidelines, and it is to scrutinize and ensure conformation of the eligibility conditions already laid down by the Government in the G.O. Ms. No.8. In view of the above facts and circumstances, the writ petitions are allowed.

2) Subject: Hindu Succession Act, 1956, Evidence Act, 1872 and Civil Procedure Code

Case No: SA No.1406 of 2017.

Citations - 2019 (3) ALD 102 = 2018 (5) ALT 354

Facts: The appellants are defendants 2 and 3 in the suit OS No.134 of 2009. Plaintiffs and defendant No.1 in the suit are respondents 1 to 7 herein. The plaintiffs filed the suit OS No.134 of 2009 seeking partition of the suit schedule properties into nine equal shares and for allotment of one such share to each of them and defendants and for separate possession with future mesne profits. The plaintiffs and defendants (seven daughters and two sons) are children of Venkata Ramana Murthy and Suryakantham. The plaintiffs (six daughters, among seven daughters) filed the above suit against the defendants-two brothers and another sister. Parents of the parties are no more in this world. While their father died on 28.1.2000 and their mother died on 28.1.2009 and they died intestate.



Held: The Will dated 15-5-1999 marked as Ex.B1 set up by defendants 2 and 3, was their main thrust to dislodge the plaintiffs of their claim, both the courts disbelieved the Will in the light of Contradictions in the evidence of the attestors and also as to the drafting to the very Will itself by Venkata Ramana Murthy. Having disbelieved the Will the trial Court considered the entitlement of the claim of the plaintiffs – Lower appellate court granted relief to parties under sec 8 of Hindu Succession Act, holding that suit property is self-acquired property. The contention of appellants is that the father of parties died before Central Act 39/2005 came into force,, as such the same is not applicable to present case and also need not be gone into as relief is granted under sec 8 of the Act. The other contentions of the appellant’s counsel that the burden of disproving the Will dated 15-5-1999 was on the plaintiffs, was correctly answered by both the Court below. The burden lies on the defendants in view Section 67 of the Evidence Act and there is a special procedure prescribed for proof of execution of a Will under Section 68 of the Evidence Act, and in such view of the matter the burden is on the defendants to prove the execution of Will.

The applicability of the Act 39 of 2005 is also not required - as no relief is granted on that basis. The reasoning adopted by the lower appellate Court is based on acceptable evidence and cogent reasons are assigned for coming to such conclusion. In the circumstances, no question of law or much less substantial question of law is involved in this second appeal and it is accordingly dismissed.

Hon’ble Sri Justice P. Naveen Rao

1) Subject: Cr. P.C, 1973 and Constitution of India – Article - 226

Case No: W. P. No. 38397 of 2019 and batch. Citations - 2019(1) ALT 139 = 2019 (4) ALD 174

Facts: In these writ petitions grievance of petitioners is against Police not registering crime in spite of mandate of the statute and the law declared by Supreme Court and also tardy progress in investigation into the crime, in arresting the accused and in filing charge sheet. Petitioners directly invoked the jurisdiction of this Court under Article 226 of the Constitution of India without availing statutorily engrafted redressed mechanism on the aspect of not registering crime even though what is alleged is a cognizable offence and/or not investigating into crime already registered. The Writ Petitions can be divided into two Categories - In first category of cases grievance of petitioners though crime alleged is cognizable. In Second category of cases petitioners allege delay in investigation, arrest of accused, and filing of charge-sheet as the case may be.

Held: In matters of this nature, there are two competing rights, on the one side right of complainant that perpetrator of crime be punished and justice be rendered to him and on the other side the right of accused for fair investigation before he is implicated and fair trial before he is convicted. He also has inviolable right to life and liberty - Code of Criminal Procedure incorporates enough safeguards to victims and accused. It lays down detailed procedure in conducting investigation, filing of final report, taking of cognizance, conducting of trial. It provides enough safeguards against illegal action of police. It is a self-contained code and comprehensive on all aspects of criminal law. A complainant has statutorily engrafted remedies to ensure that his complaint is taken to its logical end. Thus, he must first exhaust said remedies and cannot invoke extra-ordinary writ remedy as a matter of course, even when crime is not registered and there is no progress in the investigation.



If an individual has grievance against Police Officers on the issue of non-registration of crime and slow/tardy progress in investigation he can as well bring forth the directions of the Hon'ble Supreme Court and compel them to discharge their statutory duties effectively while availing remedies provided in Code of Criminal Procedure. These Writ Petitions are not maintainable and they are accordingly dismissed.

2) Subject: Indian Citizenship Act,1955

Case No: 163 of 2018.

Citation - 2019 (5) ALD 118

Facts: Petitioner was Indian citizen by birth - he travelled to Germany to pursue course of study, leading the awarding of Ph.D. in Agricultural Economics. He secured employment as Assistant Professor in Humbolt University in Germany. He took citizenship of Germany in the year 1993. Consequently, he lost the Indian Citizenship. He applied for Indian Citizenship on 31.3.2008. On 21.11.2008, the petitioner was asked to furnish the details of his visiting abroad in the last 12 months preceding the date of submission of application. Petitioner replied on 28.11.2008, stating that he has not visited any country/abroad in the preceding 12 months period prior to making application for citizenship. Satisfied with the reply furnished by the petitioner, vide certificate No.34 dated 3.2.2009, petitioner was granted Indian Citizenship. The 5th respondent Sri Adi Srinivas filed revision under sec 15 of the Citizenship Act, 1955 (for Short 'the Act') alleging that the petitioner obtained citizenship certificate by making false representation.

An enquiry committee was constituted and the petitioner appeared before the enquiry committee and requested to consider his case under sec 10(3) of the Act. As there was no response to his request, Petitioner filed W.P. No. 18259 of 2017 before this court. The enquiry committee submitted its report holding that the petitioner played fraud in securing citizenship. Aggrieved thereby, petitioner filed review petition under sec 15-A of the Act. Petitioner also filed W.P. before this Court, praying to quash the order- the said Writ was disposed of by order dated 11-09-2017- The said review petition was dismissed by order dated 13-12-17, affirming the earlier decision to cancel the citizenship. Challenging the order dated 31-8-2017 and the order in review dated 13-12-2017, this writ petition is filed.

Held: The decision to deprive citizenship of petitioner, impugned herein, is not sustainable. It is accordingly set aside. Matter is remitted to competent Authority for consideration from the state of submission of report is already available with petitioner, he may file his objections. 5th respondent, respectively, shall exchange their written submissions and/ or expiry of time mentioned above, as the case may be, the Competent Authority shall fix a date to hold personal hearing, on which date both parties shall appear without fail. He shall consider the written and oral submissions, if any made, and the material on record. He shall also consider whether by his conduct, continuation of Indian citizenship status to petitioner is not conducive of the public good. On such consideration, he shall take a decision and communicate the decision to petitioner and 5th respondent. The entire exercise shall be completed within twelve weeks from the date of receipt of copy of this order. The Writ petition is accordingly allowed.



Hon'ble Sri Justice Challa Kodandaram

1) Subject: Wildlife (Protection) Act, 1972

Case No: WP No. 48168 of 2018.

Citation - 2019 (3) ALD 509 = 2019 (4) ALT 88

Facts: The writ petition is filed for the relief - to issue a proper writ, order or orders particularly one in the nature of writ of mandamus declaring the action of the respondent No.2 in not providing the Elephant Rajani for conducting the Procession of Giarhveen Shareef of Hazrath Ghousee-Azam Dastagir (Reh) while providing the same to other processions like Bonalu and Maharrum by falsely standing that the Elephant Rajani is not trained for procession through Memo dated 7.3.2017 is arbitrary, illegal and discrimination as the said Elephant is provided to the petitioner society since 1995 onwards and also to declare the action of respondent No.2 in not Memo No.3371/ For 1(1)/2018 dated 8.11.2018 and 3.10.2018 as arbitrary and illegal.

Held: It is well settled that in constitutional scheme of the things, power to issue executive instructions in terms of Article 162 of the Constitution of India vests with the Government - the Principal Secretary, who is the only Officer working under the Government - has no authority or power to issue a Memo granting relaxation to such Government Order issued by Order and in the name of Governor. A Memo does not partake the Government Order issued in terms of Article 162 of the Constitution of India. Apart from the said reason, in the counter affidavit, respondent No.2 had categorically made a reference to the directions issued by the Central Zoo Authority constituted under Section 38-A of the Wildlife (Protection) Act, 1972, regulating the functioning of all the Zoological Parks in the country, which are required to be adhered to. It is true that Temples in Tamil Nadu Karnataka and Kerala own the elephants, which are trained, and in Andhra Pradesh - there is no much scope for owning of the elephants by any of the Temples and there appears to be no private individuals owning the trained elephants.

In the light of the categorical stand of respondent No.2 in the counter-affidavit that there are no trained elephants, at a given point of time, even assuming that a trained elephant is available, this Court cannot take the risk of directing the respondents to provide elephant to the petitioner for Moharrum procession or to anyone for procession. For all these reasons and in the light of the subsequent developments, particularly the judgment dated 21.9.2017 passed by the Division Bench of this Court in WA No.1358 of 2017, no mandamus can be issued to the respondents to extend the facility in favour of the petitioner as it is the categorical stand of the State that in future, no elephant of the Zoo would be made available to anyone in violation of stand taken by the State in G.O. Ms. No.132 dated 22.12.2009. The writ petition is accordingly dismissed.

2) Subject: CPC, 1908 - Order 18 Rule 17

Case No: CRP No.1624 of 2018.

Citations – 2019 (1) ALD 398 = 2018 (6) ALT 4

Facts: Application filed by plaintiffs to recall PW5 for further examination to prove Ex.A.10 was executed by defendants in presence of applicant – plaintiff – 2's father and other witnesses, one of them being PW5, who was not confronted with said document by mistake and oversight- And was DW1 had denied execution of same and appending his signature there on, in his cross-examination, it had become necessary to recall PW5 – In assessment and judgment of respondents, there is a gap in evidence with respect to Ex.A10 which requires to be bridged – Hence, question that is required



to be considered is "Is it permissible for a Court to recall plaintiffs' witness, on an Application, that too, at the stage of arguments, to fill-in a gap in the evidence and whether provisions of O.18 R.17 CPC permits such exercise.

Held: If one examines Order 18 Rule 17, one would find that the discretion of the Court to recall a witness, who was examined earlier and put such questions to him as the Court deems fit, is limited; in the sense, firstly, if the Court seeks any clarification, such power is to be exercised, which means that the same is not available to the parties to the proceedings, secondly, recall of the witness for re-examination is subject to the Law of Evidence for the time being in force - Order 18 Rule 17 is hedged with a condition that recall of a witness is permissible subject to the provisions of the Indian Evidence Act. The method and manner, the sequence of examination of a witness i.e., examination-in-chief, cross-examination and re-examination of a witness are governed by Section 135, 136, 137 and 138 of the said Act. It may be noted that Law of Evidence is a substantive one and the C.P.C. being a procedural law the same is required to be in conformity with the substantive law Order 18 Rule 17 makes it clear that recalling of a witness is circumscribed by the provisions of the Evidence Act. It may also be noted that the Evidence Act by itself does not use the word recalling of the witness except for re-examination in other words re-calling of a witness as provided Order 18 Rule 17 is required to be understood as recalling of witness for re-examination which should be in conformity with the provisions of the Evidence Act. In those circumstances, the recalling of witness at the instance of the plaintiffs, that to, after completion of the Evidence and when the matter is listed for argument, to fill up a gap, being impermissible, the order under revision, allowing recall of a witness suffers from irregularity. The C R P is hence allowed, setting aside the Order dated 24-01-2018.

Hon'ble Dr. Justice Shameem Akther

1) Subject: Cr.P.C, 1973 and Telangana State Protection Of Depositors of Financial Establishments Act, 1999

Case No: Crl. P. No. 11354 of 2018. Citations – 2019 (1) ALT (Crl.) 287 = 2019 (1) ALD (Crl.) 802

Facts: This criminal petition filed U/ Sec 439(2) of the CR.P.C, 1973, is filed by the petitioner - State of Telangana, requesting to cancel the regular bail granted to the respondent - accused - A Memo vide USR No.92248 of 2018 was filed by the petitioner - State of Telangana, which reflects that the respondent - accused refused to take the notice issued in this case - The respondent-accused, being the Managing Director of 'Heera Gold Exim Ltd' collected huge deposits from number of victims with a promise to pay exorbitant rate of interest on the said deposits - As per the Memorandum of Association of the Said company, it is only authorized to deal in gold by way of buying and selling. The said company has no valid permission under the Banking Regulation Act or RBI for collecting money in the form of deposits from public - which attracts the provisions of Sec-5 of the Telangana State protection of Depositors of Financial Establishments Act, 1999 (for short, 'TSPDFE Act') - the petitioner - the SHO, CCS, DD, Hyderabad as the authority to investigate into the matter. - No other investigation agency or Central Government shall proceed with - in case any such investigation has already been initiated, it shall not proceed further with and the concerned agency shall transfer the relevant documents and records respect of such offence under the said Act to the Serious Fraud Investigating Agency.



Held: The Court of Session, relying on the provisions of Sections 212(2) and 221 of the Companies Act, 2013 granted bail to the respondent-accused, which is erroneous. Huge amount running into crores of rupees has been collected from the public by the said Company in violation of the provisions of the Banking Regulation Act. The respondent-accused is an influential person. She is facing investigation in similar offences in the States of Andhra Pradesh, Karnataka, Kerala, Maharashtra and other States across the country - The offences prescribed under the Companies Act, 2013, and the TSPDFE Act are distinct. Hence, the provisions under Sections 212(2) and 221 of the Companies Act, 2013, do not disable the petitioner from investigating the subject criminal case. The investigating officer has to provide the information or documents to the Serious Fraud Investigation Officer. The findings of the Court of Session that the petitioner/prosecuting agency has no authority to investigate the case is erroneous and granting bail to the respondent-accused on this ground is also erroneous. The allegation against the respondent-accused are specific and grave. Huge public money is involved in this crime. Number of material witnesses and voluminous documents are required to be examined in the course of investigation.

Without advertent to the facts and circumstances of the case in totality, the Court of Session erroneously granted regular bail to the respondent-accused, vide order under challenge. In view of the above, the regular bail granted to the respondent-accused by the Court of Session vide order under challenge, is liable to be cancelled. In the result, the criminal petition is allowed by setting aside the order under challenge. The regular bail granted to the respondent-accused is cancelled.

2) **Subject: Motor Vehicles Act, 1988 – Sec - 168**

Case No: MA CMA Nos. 2238 of 2007 and 4497 of 2008.

Citations – 2019 (3) ALD 376 = 2019 (1) An.W.R 435

Facts: The deceased-Gunji Ravi was 18 years old. He was attending building construction work and drawing Rs.4,500/- per month. There is oral and documentary evidence to substantiate the same. However, the Tribunal erroneously took the income of the deceased as Rs.1,500/- per month, deducted 1/3rd thereof towards his personal expenses, applied the multiplier of '13' and awarded Rs.5,000/- towards funeral expenses. In all the Tribunal granted compensation of Rs.1, 66,000/-, which is meagre and ultimately, prayed to enhance the compensation.

Held: The appeal filed by the claimants in MA CMA No.2238 of 2007 is partly allowed enhancing the compensation from Rs.1,66,000/- to Rs.3,54,000/- with interest @7.5% per annum on the enhanced amount of compensation from the date of petition till the date of deposit. On such deposit, both the claimants are permitted to withdraw the enhanced compensation along with the interest accrued thereon, equally. The direction given by the Tribunal to respondents 1 to 3 to pay the compensation jointly and severally holds good. As already indicated above, in the event of the respondent no.2/New India Assurance Company Limited paying the entire compensation awarded in this case, it is entitled to recover 50% of the compensation from the respondent no.3/p. Hari Babu (owner of the tractor-trailer bearing registration Nos. AP 7T 9164 and 9165) in the same proceedings before the Tribunal, by filing an execution petition. With this modification, MA CMA No.4497 of 2005 filed by the New India Assurance Company Limited is disposed of.



Hon'ble Sri Justice P. Keshava Rao

1) Subject: Cr.P.C. 1973

Case No: IA No 3 of 2018 in CrI. RC No. 779 of 2018

Facts: The present application is filed to implead the petitioner/proposed respondent No.2 as respondent No.2 in the criminal revision case - objection with regard to the locus of the petitioner/proposed respondent No.2 to file the application. - The said application was also opposed by the 2nd respondent Company - Therefore, this Court decided to take up the present application before hearing the main criminal revision case - The petitioner/proposed respondent No.2 originally filed a complaint against six accused and others which include revision petitioner as accused No.6 - The complaint was filed through duly constituted attorney/representative - a Director of the 2nd respondent- company who has been duly authorized vide Board Resolution, dated 03.06.2015.

Held: The petitioner received monetary benefits during the period 24.12.2007 to 04.10.2010 from a group of entities for the purpose of buying Compulsorily Convertible Debentures (CCDs) and 12 Debenture Subscription Agreements (DSAs) were executed between the revision petitioner/first respondent and the petitioner on different dates. The petitioner alleged that the said agreements are forged and fabricated by the accused and filed before the Tribunal for the purpose of seeking redemption of CCDs into equity shares and consequently to take control of the 2nd respondent Company:

The Learned Magistrate dismissed the Complaint U/Sec 203 of Cr.P.C - holding no prima facie case - Aggrieved by the said orders, the 2nd respondent company preferred CrI.R.P.No.154 of 2017 - After hearing, the learned Sessions Judge by orders dated 16.08.2017 allowed the revision petition and directed the Magistrate to register the complaint filed by the 2nd respondent company as calendar case and to proceed with in-accordance with law by issuing summons to the accused - Aggrieved by the said orders, the present criminal revision case is filed by the 1st respondent, who is A-6 in the complaint - A private complaint was lodged by the 2nd respondent company and under the provisions of IBC, it is only the resolution professional, who has to represent and act on behalf of the corporate debtor with third parties for exercising the rights and interest for the benefits of the corporate debtor in judicial, quasi-judicial or arbitration proceedings. Thus, when a clear embargo is stipulated, it cannot be said that a Director of a Company is entitled to maintain a complaint.

During the course of agreements, it is also brought to the notice of this Court that the petitioner was removed as a Director of the 2nd respondent company with effect from 01.08.2018. Though the same has been challenged by him, no interim orders are granted. That being the position, viewed from any angle, the petitioner cannot be treated as an aggrieved person and he does not have locus to launch criminal proceedings, more particularly, the present application in this Court. In these circumstances, this Court is of the opinion that the application, as filed, is misconceived and is liable to be dismissed.

2) Subject: Motor Vehicles Act, 1988

Case No: CrI. RC No. 1625 of 2018.

Citation - 2019 (1) ALD (CrI.) 75

Facts: The prosecution case is that on 15.06.2017 at 2304 hours. The petitioner came there riding his two wheeler bearing No. AP 10 AZ 3640. The petitioner was stopped and subjected to Alcohol Test with breath analyzer, wherein the printed result of the test shown the BAC level as 214 mg/100 ml which is exceeding the permissible BAC level of 30 mg/ml as mentioned in Section 185 of the Act.



The petitioner on further questioning also failed to show the relevant documents and thereby he is liable for punishment under Section 130/177 of the Act - The present revision case is filed questioning the orders passed in CrI.A.No.1253 of 2017 dated 22.06.2018 on the file of the Metropolitan Sessions Judge, Hyderabad, confirming the judgment passed in STC No.7743 of 2017 dated 01.11.2017 on the file of the IV Metropolitan Magistrate, Hyderabad, directing the petitioner to undergo simple imprisonment for ten(10) days and also to pay a fine of Rs.3,000/- and further sentenced to pay Rs.100/- for the offences under Sections 145-A and 130/177 of the Motor Vehicles Act,1988 (for short, " the Act"). In default of payment of fine, the petitioner shall suffer simple imprisonment for two days for each offence.

Held: The presence of alcohol content in the petitioner was at 214 mg/100 ml, which is exceeding the permissible BAC level of 30 mg/ml as mentioned in Section 185 of the Act i.e., seven times more than the permissible level. Though the petitioner has violated the mandatory procedure as contemplated under the provisions of the Act, more particularly, Section 185 of the Act and though no untoward incident has taken place even he was under the high influence of liquor, it cannot be said that the petitioner is not guilty of the offence not a lenient view can be taken.

In fact, the petitioner has committed the same offence within two years. The drunken driving has become a menace for our society. In many cases it is leading to many casualties. The innocent pedestrians are losing their lives and families are being shattered. The punishment to be awarded to a drunken driver at least should act as a deterrent for others, who are resorting to such type of violations. In these circumstances, this Court is of the view that there are no merits in the revision case and the same is liable to be dismissed.

Hon'ble Sri Justice Abhinanad Kumar Shavili

1) Subject : Service Law

Case No: W P. No 33798 of 2018.

Citations – 2019 (3) ALT 76 = 2019 (4) ALD 377

Facts: This writ petition is filed seeking a Writ of Mandamus, declaring the action of respondent No.1 in issuing the impugned Memo dated 15-09-2018 transferring the petitioner as Mandal Agriculture Officer, Jinnaram by posting the 3rd respondent in his place, as ban, illegal, arbitrary, opposed to law, contrary to the rules and in violation of the rules framed facilitating the office bearers to enjoy the privilege of retention a place for 6 years.

Held: This Court, having considered the rival submissions made by the parties, is of the considered view that the 1st respondent has rightly passed the transfer orders transferring the petitioner from Haythnagar to Jinnaram vide the impugned orders dated 15-09-2018. As far as the contention of the petitioner that he is entitled to the benefit of Circular Memo dated 26-06-2012 is concerned, the petitioner was given the said benefit during the transfer counseling and he was retained at Hayathnagar - The respondents want to proceed with the disciplinary case by placing the petitioner under suspension, but as the suspension orders were suspended by this Court, the respondents had no other option except to transfer the petitioner, and therefore, the 1st respondent has rightly transferred the petitioner from Haythnagar, so as to ensure that the petitioner would not tinker or tamper the evidence and would not influence the witness, if any, in the departmental proceedings. Therefore, this Court inclined not to interfere with the impugned transfer orders-The court accepted the contention of the respondent and dismissed the writ petition.



2) Subject: AP. (SCs, STs, and BCs.) Regulation of Issue of Community Certificates Act 1993- Validity of Caste Certificate.

Case No: W. P. No. 3863 of 2019.

Citations – 2019 (2) ALT 285 = 2019 (2) ALD 594

Facts: The petitioner is a member belonging to Gandla Caste, which falls under BC-B Community at SI.No.6 in the List of Socially and Educationally Backward Classes. He was initially appointed as a Constable in the Police Department on 18.10.2013 under BC-B quota. The petitioner submits that while he was discharging the duties as Constable, it appears that respondent No.5 has received certain complaints to the effect that the petitioner does not belong to BC-B Community and basing on the said complaints, respondent No.5 had directed respondent No.3-Tahsildar, Ninnel Mandal, Mancherial District, to conduct an enquiry into the genuineness of the Caste Certificate produced by the petitioner and submit a report by respondent No.3 after conduction of necessary enquiry had submitted the impugned report dated 9.1.2019 stating that the petitioner belongs to Reddy Gandla Caste; which does not come under BC Category. Prior to the submission of the said report by respondent No.3, the petitioner has received a Memorandum of Charge bearing PR.No.A6/07/2018, dated 8.8.2018, from respondent No.5 alleging that the petitioner has produced a false Caste Certificate stating that he belongs to BC-B Community and basing on the strength of such false Caste Certificate, he had secured employment as a police constable. Aggrieved by the said report dated 9.1.2019 of respondent No.3, the petitioner has filed the present writ petition.

Held: This Court, having considered the rival submissions made by the learned Counsel for the respective parties, is of the considered view that issuance of Charge Memo dated 8.8.2018 by respondent No.5 and submission of Enquiry Report dated 9.1.2019 by respondent No.3 are without jurisdiction and liable to be set aside and they are accordingly set aside. However, the respondents are given liberty to initiate disciplinary action against the petitioner in accordance with law only after appropriate authority cancels the Caste Certificate issued in favor of the petitioner. With the above observations, the writ petition is allowed.

Hon'ble Sri Justice T. Amarnath Goud

1) Subject: Land Encroachment Act, 1905

Case No: W. P. No. 17080 of 2018.

Citation - 2019 (1) ALT 218

Facts: Petitioner Society comprising of 55 families built round huts in small extend of land on the canal bank of river Muggurallavanka in Madanapalle Town – 2nd respondent issued notice on 23-07-2005 to the members of society U/Sec – 7 of Madras Land Encroachment Act, 1905, directing them to vacate.

Held: Notice was issued U/Sec- 7 of Act No. 3 of 1905 i.e., Tamil Nadu land Encroachment Act, 1905, which is not applicable in the State of A.P. – State of A.P. is having a separate land Encroachment Act i.e., Land Encroachment Act, 1905, which came into force from 23-12-1904 – 2nd Respondent issued impugned notice without application of mind and without following due process of Law.- Notice is liable to set aside – Writ Petition is allowed and the impugned notice thereon set aside.



2) Subject : Medical Negligence**Case No: W. P. No. 20752 of 2007.****Citation – 2019 (1) ALD 408**

Facts: Petitioner's husband died due to the Government Doctor using infected needle for giving T.T. injection - Medical Negligence –Death of the Patient – carelessness of the Government Doctor- sheer negligence of the Government in supplying infected needles – Petitioner family lost bread winner

Held: Though there is no specific provision in law to pay either ex-gratia or compensation to the bereaved family – Petitioner claimed for providing a job and claim for compensation of Rs. Ten Lakhs – Claim for Job cannot be considered after lapse of long period. Thus though she is entitled to a compensation beyond her claim, but this Court has restricted the compensation to Rs.10, 00,000/- as per her claim in the Writ Petition.



HIGH COURT FOR THE STATE OF TELANGANA
STATEMENT OF WORK FOR THE PERIOD UPTO 30/06/2019

PART-I
MAIN CASES

S.No.	NATURE OF THE CASES	PENDING AT THE BEGINNING OF THE YEAR i.e., as on 01.01.2019	Institutions from 01.01.2019 to 30.06.2019	Disposals from 01.01.2019 to 30.06.2019	Pendency	Restored Cases
1	2	3	4	5	6	7
	(A) ORIGINAL SIDE (CIVIL)	104015	14432	8835	109612	
	(B) APPELLATE SIDE (CIVIL)	56683	5974	2142	60515	

(C) CRIMINAL CASES	26657	4701	3009	28349	
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A GLANCE AT PART-I MAIN CASES

A	ORIGINAL SIDE (CIVIL)	104015	14432	8835	109612	
B	APPELLATE SIDE (CIVIL)	56683	5974	2142	60515	
	GRAND TOTAL OF CIVIL CASES	160698	20406	10977	170127	
C	GRAND TOTAL OF CRIMINAL CASES	26657	4701	3009	28349	
	GRAND TOTAL OF MAIN CASES	187355	25107	13986	198476	

GRAND TOTAL OF MAIN CASES **198476**

AVERAGE NUMBER OF JUDGES WORKING PER DAY **11.14**

NUMBER OF COURT WORKING DAYS DURING THE PERIOD **91**

**Above Statement is compiled on the basis of figures received from the respective Registry*



VACANCY POSITION OF JUDICIAL OFFICERS
AS ON 30.06.2019

SL. NO.	CATEGORY	VACANCIES	
		01.01.2019	30.06.2019
1.	DISTRICT JUDGES	29	6
2.	SENIOR CIVIL JUDGES	13	0
3.	JUNIOR CIVIL JUDGES	22	63
	Total:	64	69

RECRUITMENT OF JUDICIAL OFFICERS

As per the order dated 4-1-2007 of the Hon'ble Supreme Court of India in the case of Malik Mazhar Sultan & another vs. U.P. Public Service Commission & Others, vacancies notified for recruitment are as shown below

- a) District Judge under Direct Recruitment [25% quota] : Nil
- b) District Judge by transfer through a Limited Competitive Examination
[Accelerated Recruitment by transfer (10%quota) : 4

DISTRICT JUDGES:

In response to the Notification No.61/2019-RC, dated 1.4.2019 for recruitment to 04 posts of District Judge by Transfer through a Limited Competitive Examination (Accelerated Recruitment by Transfer) (10% quota) for the year 2019, four (04) applications are received from the Senior Civil Judges (presently working as Additional District Judges of Telangana Judicial Service) who have put in not less than 5 years of qualifying service in the cadre of Senior Civil Judges and the Committee of Hon'ble Judges constituted for recruitment to the post of District Judges on considering the applications resolved to conduct the written examination on 17-8-2019 and 18-8-2019.

CIVIL JUDGES:

The High Court Issued Notification inviting applications through 'online', vide Notification No.15/2019-RC, dated 8.3.2019 for recruitment to 67 posts of Civil Judge for the year 2019, and conducted screening test on 11.5.2019 and announced the results of the qualified candidates for written examination on 12.7.2019 with the technical assistance of M/s. Tata Consultancy Services Ltd., in the official website of the High Court.

The High Court has further decided to conduct the written examination to the qualified candidates on 17.8.2019 and 18.8.2019 at Hyderabad.

Filling up of vacancies in the Subordinate Courts in all the Districts in the State of Telangana:

The High Court has initiated the process of conducting centralized and online recruitment for filling up of all the vacancies under direct recruitment in the subordinate courts in the State of Telangana with the assistance of M/s.Tata Consultancy Services Ltd., Hyderabad, and the notifications inviting applications through online are likely to be issued by the end of July 2019.



**WORKING STRENGTH AND VACANCY POSITION OF STAFF IN DISTRICT COURTS
AS ON 30.06.2019**

1	Working Strength	4718
2	Vacancies	2330

**DISTRICT WISE WORKING AND VACANCY POSITION OF STAFF IN DISTRICT COURTS
AS ON 30-06-2019**

Sl.No.	Unit Name	Working Strength in all categories	Vacancies in all categories.
1	ADILABAD	438	60
2	KARIMNAGAR	448	322
3	KHAMMAM	255	237
4	MAHABUBNAGAR	370	224
5	MEDAK	303	186
6	NALGONDA	285	385
7	NIZAMABAD	294	141
8	RANGA REDDY	781	303
9	WARANGAL	362	153
10	CITY CIVIL COURT, HYDERABAD	594	144
11	CITY SMALL CAUSES COURT, HYDERABAD	108	47
12	MSJ COURT, HYD.	430	100
13	SPL. COURT FOR ECONOMIC OFFENCES, HYD.	22	15
14	SPECIAL JUDGE FOR ESSENTIAL COMMODITIES ACT -CUM-III ADDL. MSJ - HYDERABAD.	14	09
15	SPL. COURT FOR TRIAL OF P.C. ACT FOR SPEEDY TRIAL OF CASES OF EMBEZZLEMENT OF SCHOLARSHIP AMOUNTS IN SOCIAL WELFARE DEPT. HYD.	14	04
	TOTAL	4718	2330



**CONSOLIDATED DISTRICT-WISE STATEMENT SHOWING THE INSTITUTIONS,
DISPOSALS AND PENDENCY OF THE CIVIL AND CRIMINAL CASES**

For the period from 1-1-2019 to 30-06-2019

SNO	NAME OF THE COURT	CIVIL			CRIMINAL		
		INSTITUTIONS	PENDENCY	DISPOSAL	INSTITUTIONS	PENDENCY	DISPOSAL
1	ADILABAD	1836	6950	1720	5935	15249	5107
2	HYDERABAD(CCC)	10883	43630	8429	96	618	80
3	HYDERABAD(CSCC)	501	1246	486	0	0	0
4	MSJ HYDERABAD	112	302	88	35317	60019	33747
5	HYDERABAD(TSJ)	435	4638	592	149	828	111
6	KARIMNAGAR	4012	18843	3881	16703	34961	15584
7	KHAMMAM	4920	15022	4490	8533	26128	7294
8	MAHABUBNAGAR	3504	18410	2906	6998	23796	7123
9	MEDAK	3168	12562	2524	3713	14851	2970
10	NALGONDA	5138	24495	4637	10589	37876	8831
11	NIZAMABAD	1943	8838	1741	3765	11323	3106
12	RANGA REDDY	10667	56024	8068	19213	64217	14608
13	WARANGAL	4477	24110	4132	7485	27087	6194
	GRAND TOTAL	51596	235070	43694	118496	316953	104755



ACTIVITIES OF TELANGANA STATE LEGAL SERVICES

LOK ADALATS:

As per the directions of National Legal Services Authority, New Delhi, National Lok Adalat was conducted on 09.03.2019, wherein, **12,622** pending cases and **16,259** Pre Litigation Cases, in total **28,881** cases, were settled by awarding an amount of **Rs.74,06,66,644/-**.

The National Lok Adalat was again conducted on 13.07.2019 wherein, **18902** pending cases and **18474** Pre Litigation cases, in total **37,377** cases were settled by awarding an amount of **Rs. 67,58,01,757/-**.

CAMPS:

As per the directions of **Hon'ble Sri Justice Raghvendra Singh Chauhan**, the then Executive Chairman, Telangana State Legal Services Authority, All the District Legal Services Authorities conducted Medical Camps in slum areas by involving the NGOs. and private hospitals throughout the State on the eve of **"World Health Day"** on 7th April, 2019, as a part of Calendar of Activities for the year 2019-2020.



Apart from other districts, the Metropolitan Legal Services Authority, Hyderabad conducted the Medical Camp at M.S. Makta near Raj Bhavan, Hyderabad, the City Civil Court Legal Services Authority conducted the Medical Camp at Chadarghat, Hyderabad and the District Legal Services Authority, Ranga Reddy District conducted the Medical Camp near Balapur, R.R.District. Through these Medical Camps, a total number of 9702 poor people from slum areas were provided medical treatment, medical tests and also distributed medicines.

As part of Calendar of Activities, a big campaign was conducted on the occasion of **"World Environment Day"** on **5.6.2019** in all District Legal Services Authorities in the State of Telangana.



A Campaign was conducted on the occasion of “International Day against Drug Abuse and Illicit Trafficking” on 26.06.2019 in the State of Telangana.



SEMINARS:



Accountants, Company Secretaries and Law Students.

The State Legal Services Authority along with Legal Dialogue Forum conducted a Seminar on “Recent Trends of Insolvency and Bankruptcy Code, 2016 and its implications” at Hotel Taj Krishna, Hyderabad on 28.04.2019, wherein, Hon'ble Sri Justice S.J. Mukhopadhyaya, Chairperson, NCLAT, New Delhi and former Judge Supreme Court of India has addressed the seminar as Chief Guest. The Hon'ble the Acting Chief Justice graced the occasion. The seminar was attended by Lawyers, Chartered

MEETINGS:

Hon'ble Sri Justice Raghvendra Singh Chauhan, the then Executive Chairman, Telangana State Legal Services Authority convened a meeting on “Conservation of Lakes and development of Musi River” on 16.03.2019 and 13.05.2019 with Government Officials, wherein Chief Secretary to Government, Pr. Secretaries to Government, Officers of Water Works Department, Musi River Development Authority etc. have participated and all of them assured that steps will be taken for conservation of lakes and development of Musi River by removing the encroachments on Musi River.

TRAINING PROGRAMMES TO PANEL LAWYERS:

As per directions of National legal Services Authority, New Delhi, the State Legal Services Authority has taken up the panel lawyers training programme with Master Trainers throughout the State as per training module prescribed by the National legal Services Authority. During the 2018 in total 11 training programmes were conducted by the State Authority wherein 327 panel lawyers have undergone the training given by the State Authority.



TRAINING PROGRAMMES TO PARA LEGAL VOLUNTEERS:

As per directions of State Legal Services Authority, the District Legal Services Authorities are conducting training programmes to para legal volunteers on regular intervals as per Module for the Orientation – Induction – Refresher courses for PLV training. The State Authority instructed the District Legal Services Authorities to appoint new para legal volunteers by deleting the non performing PLVs. The District Legal Services Authorities are on the way to finalize the appointment of Para Legal Volunteers and their training.

REFRESHER COURSE TO ADVOCATE MEDIATORS:

The Mediation & Conciliation Project Committee (MCPC), Supreme Court of India in coordination with Telangana State Legal Services Authority, has organized 20 hrs. Refresher Programme to Advocate Mediators from 24th to 26th June, 2019 at Telangana State Judicial Academy, Secunderabad, wherein 20 Advocate Mediators have undergone the above refresher programme. The Member Secretary, MCPC has coordinated the programme and the Master Trainer from New Delhi and Potential Trainer from Kerala imparted the refresher course.

MEDITATION & ADR CENTERS:

In the State of Telangana, 7 Mediation Centers are functioning at High Court Committee, Mahabubnagar, Medak, Nalgonda, Nizamabad, Warangal, Ranga Reddy and 4 ADR Centers are functioning at Adilabad, Karimnagar, and Khammam and at City Civil Court Legal Services Authority, and number of cases are being referred to these centers for settlement.

INTERACTION WITH SECRETARIES OF DISTRICT LEGAL SERVICES AUTHORITIES:

A two day Interaction Programme was conducted on 15th & 16th June, 2019 by the State Legal services Authority with the Secretaries of District Legal Services Authorities in the State of Telangana. **Hon'ble Sri Justice Raghvendra S. Chauhan**, the then Patron-in-Chief and Executive Chairman, Telangana State Legal Services Authority has inaugurated the session and addressed the Secretaries of DLSAs on various schemes formulated by National Legal Services Authority and motivated them to implement the schemes in their letter and spirit.



STATE LEVEL CONSULTATION MEET:

The Telangana State Legal Services Authority in coordination with Bachpan Bachao Andolan conducted a two day State Level Consultation Meet on implementation of Juvenile Justice (care & Protection of children) Act, 2005 with specific focus on provision of rehabilitation of children at Dr. MCR HRD Institute, Hyderabad on 29.06.2019 & 30.06.2019 involving the stakeholders like Secretaries of DLSAs, Officials of Women & Child welfare department, chairpersons of JJBs, Chairpersons of CWCs, Probation Officers, Members of child protection society, District child Protection Units, SJPU, Child Welfare Police Officers, Child Care Institutions, Public Prosecutors attached to JJBs, Superintendent Of Observation Homes. The meet was inaugurated by **Hon'ble Sri Justice P.V. Sanjay Kumar**, Executive Chairman, Telangana State Legal Services Authority.

In the above meeting, recommendations made by the participant officers were forwarded to the Hon'ble High Court for the State of Telangana for placing the same before Juvenile Justice Committee, High Court for the State of Telangana for its notice and necessary directions.



Telangana State Judicial Academy

Training of Basic Course

New Year 2019 brought with it, new vigour and zeal to the 43 Junior Civil Judges of XX and 17 Junior Civil Judges of XXIII Basic Course undergoing different Phases of Institutional and Practical Training at the Academy. The training continued with interactive sessions by eminent and experienced Guest Faculty which included Hon'ble Sri Justice K.C. Bhanu, Hon'ble Sri Justice B. Seshasayana Reddy, Hon'ble Sri Justice M. Seetharama Murthi, and Hon'ble Sri Justice G.V. Seethapathy who dealt with various subjects on civil, criminal and administrative sides. Four District Judges (Entry Level) have undergone 3 months training in VII Foundation course along with the trainees of XXIII Basic Course and separate interactive sessions were arranged for the trainee District Judges on the subjects exclusively dealt with by them, like, Bails and Anticipatory Bails, Sessions Trials, Trial of cases under NDPS Act, POCSO Act, Electricity Act Etc..

31 Junior Civil Judges underwent Phase 3 training of XXI Basic Course for 1 month at the Academy. The Director and In house Faculty had highly interactive sessions with the trainees in this one month.

Orientation Course

XXVIII Orientation Course for 37 newly promoted Senior Civil Judges & XXIX Orientation Course for 38 newly promoted Senior Civil Judges underwent two week training at the Academy. Hon'ble Former Judges Justice K. C Bhanu, Justice G.V. Seethapathy, Justice B. Seshasayana Reddy interacted with the officers on laws relating to Offences Triable by Assistant Sessions



Judges', 'On Civil Appeals – Duty of First Appellate Court' and 'Departmental Enquiries – CCA Rules'. The Director and In house Faculty have extensively discussed and interacted with the trainees on the new subjects the officers come to deal in their promoted rank. The trainee officers very well received the inputs given by the Faculty on the various subjects including on Land Acquisition Acts and other Land Laws, Laws relating to Marriage and Divorce, Negotiable Instruments Act etc. The trainee officers also had a useful session on the topic 'Wounds and Injuries in particular with reference to Homicides, Suicides and Sexual Assaults.

Hon'ble the Chief Justice Sri Raghendra S. Chauhan, The Chief Justice of Telangana State High Court & Patron-in Chief of the Academy, interacted with the trainee Senior Civil Judges and gave valuable insights on 'English Language – Composition Writing' and 'Judgment Writing'. Lordship also delivered the Valedictory Address and called upon the trainees to be competent and well equipped with the subjects of contemporary importance.



II Refresher Course for Court Managers

19 Court Managers nominated by the High court underwent training in II Refresher Course for Court Managers at the Academy for one week at the Academy. Keeping in view the object of appointing Court Managers, much emphasis was laid in the training to not only imbibe the Court Managers about Judicial discipline and Administrative excellence, but care was taken to give necessary inputs and insights on the role and responsibilities of Court Managers in Administrative Functioning of District Courts, Allotment and Utilization of Budget, Court Management, Infrastructure Management and E- Management, amongst other topics. Much information was disseminated in the interactive sessions and the Court Managers expressed that the knowledge they gained from the training was of immense value to them.

Training programme for the Chairperson and Members of the Andhra Pradesh State Food Commission

Academy had the distinction of being requested to conduct the first training programme for the Chairperson and Members of the Andhra Pradesh State Food Commission, which is the first commission constituted under the National Food Security Act, 2013 & AP Food Security Rules, 2017. 10 officers, including the Chairperson, Members of the Commission and Panel Advocate were given extensive training on the aspects - "Grievance Redressal System and Monitoring Mechanism provided under the Act", 'Role of Adjudicating Officers', 'Powers of Appellate and Revisional Authorities', 'How to receive applications, How to conduct enquiries, How to record evidence, How to write orders and Judgements' etc.. The design of the programme and the topics covered were very well received by the Commission and they expressed that the training had definitely equipped them with the necessary inputs for conducting enquiries by keeping in mind the principles of natural justice and the mandate of the Supreme court of India.

Professional Advancement Course

25 Newly promoted District Judges underwent XVII Professional Advancement Course for two weeks at the Academy. The course was designed as suggested by the Hon'ble Patron in chief of the Academy. The first week covered subjects on criminal side and the Second week covered subjects on Civil Side. In house Faculty and the Guest Faculty who included former Judges of the High court interacted with the trainee officers on 'Human Rights Act and Constitution of India', Crime Against Women and Investigation', Criminal Trial, Child Psychology, Medical Jurisprudence, Special Acts, Civil Appeals, Law of Succession among Hindus and Muslims, Family court Matters, etc.. The trainees also visited the Government Hospital to have practical insights of 'Wounds and Injuries - Human Anatomy & Physiological changes'.



Hon'ble Sri Justice P.V. Sanjay Kumar, President of the Academy, dealt with 'Law of Precedents' and made the sessions highly participative by putting questions to all the trainees, one after the other. On the concluding day, Lordship delivered his valedictory message preceded by his address on the topic 'Judicial Ethics'. In his address, Lordship stressed upon the importance of maintaining the core values and principles of Ethics by every Judicial Officer.

As part of the Academy's aim to make the Judicial officers proficient in English language, Special training Classes were held daily to the Trainee Officers by arranging Faculty from the English Language Department of Osmania University, who designed special modules for the trainees.

Auditorium inauguration



The Academy takes pride in informing that a 334 Seating Capacity fully equipped and acoustically designed Auditorium was inaugurated by **Hon'ble Sri Justice N. V. Ramana** in the august presence of **Hon'ble Sri Justice L. Nageswara Rao** and **Hon'ble Sri Justice R. Subhash Reddy**, Hon'ble Judges of Supreme court of India and **Hon'ble Sri Justice Raghvendra S. Chauhan**, the Hon'ble the Chief Justice of Telangana State High Court & Patron in chief of the Academy, Hon'ble Sri Justice C. Praveen Kumar, the



Acting Chief Justice of A.P. High Court, Hon'ble President and Members, Board of Governors of the Academy and the Hon'ble distinguished Judges of High Courts of Telangana and Andhra Pradesh. All the Judicial Officers of the State of Telangana participated in the Two day programme. A Seminar on 'Role and Responsibilities of Judicial Officers in Proper Administration of Criminal Justice' was held for all cadres of Judicial Officers in the Auditorium.



Academy had the privilege of hosting Centenary Memorial Lecture of Late Hon'ble Justice Alladi Kuppaswami, Former Chief Justice of A.P. on the topic '**Judicial Delays and How They Affect the Credibility of the System**' on 07-04-2019 for the Local Judicial Officers in all cadres working at Hyderabad and Rangareddy. Hon'ble Sri Justice J. Chelameswar, Former Judge, Supreme Court of India delivered the Memorial Lecture sharing his valuable experiences as an Advocate and Judge of High Court and Supreme Court and how delay will affect the merits of the case.



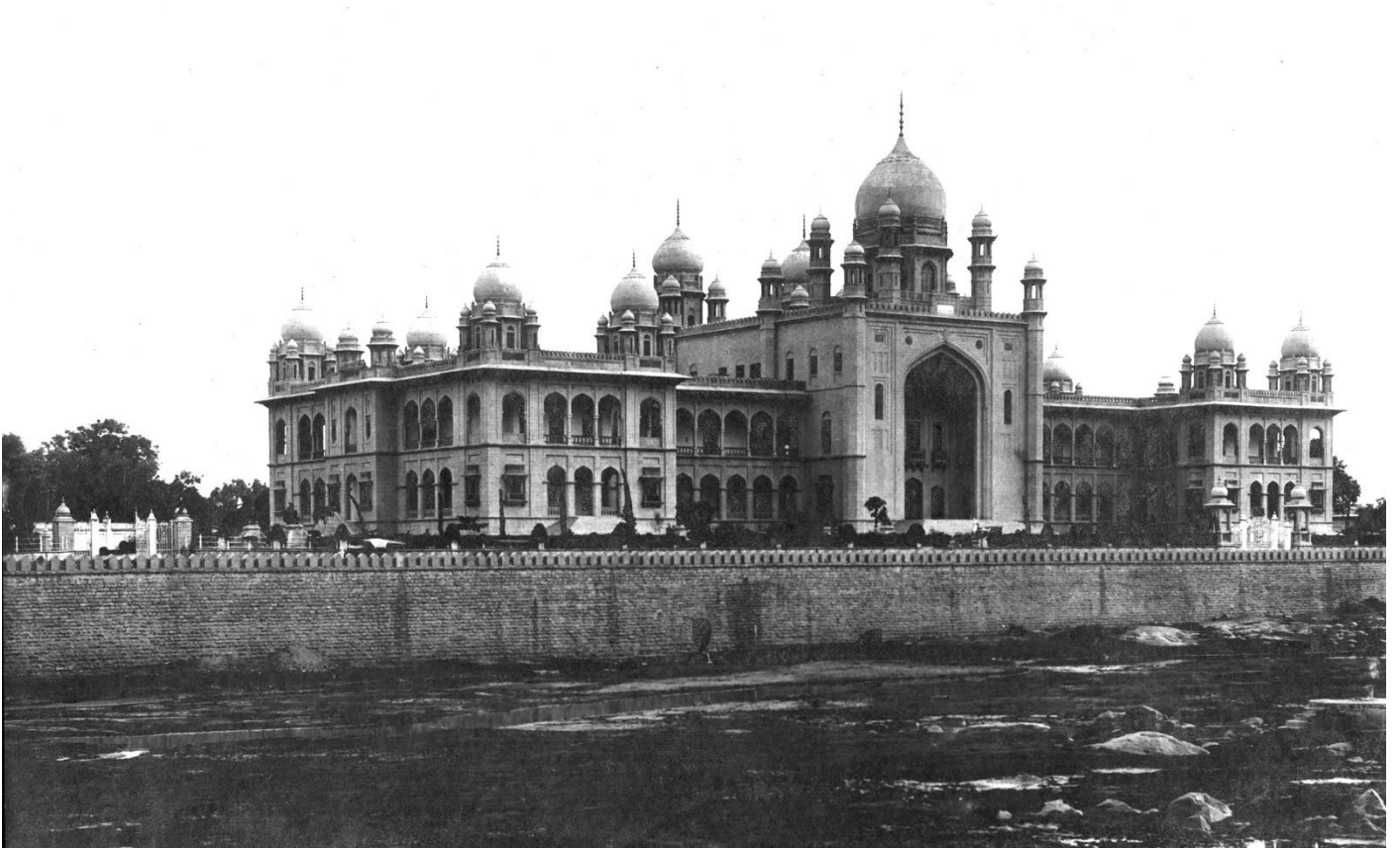
Mediation and Arbitration

In the Month of June, 2019, 3 Days 20 hours Refresher Programme was conducted from 24th to 26th June, 2019 at Telangana State Judicial Academy, Secunderabad in coordination with Telangana State Legal Services Authority, to the Advocate Mediators of Telangana State under the guidance of Mediation and Conciliation Project Committee, New Delhi. The MCPC has nominated one senior trainer as observer and a potential trainer to conduct the programme.

During the past six months period, 13 cases were referred for Mediation from the Hon'ble High Court and Hon'ble Supreme Court of India.



The High Court for the State of Telangana - Hyderabad



The High Court for the State of Telangana is situated on the southern bank of Musi river, built of pink granite and sandstone in Mughal-Saracenic style nearly a century ago, this historic building is a renowned landmark. Hyderabad city, seat of the legendary Nizams who ruled one of the largest native States in ancient India, was a citadel of Islamaic culture. The present-day Hyderabad has come a long way since then and stands as the icon of a cosmopolitan multi-cultural society. A breath-taking sight in this modern city is the silhouette of the pristine domes of the High Court building against the setting sun, seen from Nayapul, the bridge across the River Musi at Afzal Gung.

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