

HIGH COURT OF ANDHRA PRADESH, AMARAVATI**MAIN CASE No: W.P.No.16468 of 2020****PROCEEDINGS SHEET**

Sl. No.	DATE	ORDER	OFFICE NOTE
2.	15.09.2020	(Through Video Conferencing) Sri Mukul Rohatgi and Shyam Divan, learned senior counsel appearing on behalf of Sri Ginjupalli Subba Rao, counsel for the petitioner. Learned Advocate General appearing on behalf of respondents 1 and 2. Sri C.V.Mohan Reddy, learned senior counsel assisted by Smt.Renuka, standing counsel for respondent No.3. Sri S.S.Prasad, learned senior counsel, assisted by Sri Venkateswara Rao, standing counsel for respondent No.4. This writ petition, under Article 226 of the Constitution of India, has been filed by the petitioner alleging mala fides against the State authorities, specifying the reasons as setup in the writ petition. It is stated that the petitioner herein held the office of Additional Advocate General and thereafter he had become the Advocate General and is a Senior Advocate having long standing at bar. For the reasons set out in the writ petition, he is being targeted by the Government and, in furtherance thereto, the Government wants to foist a false case against him, alleging purchase of property being aware of establishment of capital in Amaravati, prior to the date of identifying the capital in his name and that of others. Reference to the letter sent	

	to the Income Tax Department dated 29.01.2020 and letter dated 23.03.2020 of the State Government, sent to the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel and Training, New Delhi, has been made to state it affects the personal liberty without any cogent basis. It is said that when action was not found justified by central agencies, the state agencies through Police are working out in a mala fide manner. In view of the aforesaid, prayer is made to call for all the records pertaining to any enquiry/investigation being conducted by any of the State agencies and all the respondents, and to quash the letter dated 23.03.2020; further enquiry may be stayed and no coercive steps against the petitioner may be made. It is also stated that if any investigation is to be made by the State, it may be under the strict supervision of a Judge of the High Court or in the alternative under the supervision of a Retd. Judge of the High Court, looking to the political vendetta against the petitioner. The petitioner has joined the present Chief Minister of Andhra Pradesh as party (respondent No.5) by name, but, at present, this court is not inclined to issue notice calling his presence/response. Sri Mukul Rohatgi and Sri Shyam Divan, learned senior counsel appearing on behalf of the petitioners, have strenuously urged that, if there is any political vendetta, it may be against parties or persons of the respective parties, but, taking action on account of those reasons against a former Advocate General of the State and a Senior Advocate, is unheard of and not warranted, that too, in a planned way, as reflected in the present	
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	case. It is further stated that, after filing of this writ petition, when a learned Judge of this Court has recused hearing and directed the Registry to place the matter before Hon'ble the Chief Justice to list this case before another bench, FIR has been registered today, to give a political colour to it, on the basis of a complaint dated 07.09.2020, by the ACB. It is further urged that after filing of this petition and recusal from the case by the Hon'ble Judge of this Court, registration of offence immediately projected over the social media and newspapers against the petitioner and also two daughters of a sitting Judge of the Hon'ble Supreme Court of India, amounting to scandalizing the authority with a mala fide intention, by way of media trial. In view of the said facts, prayer is made not to take any coercive steps on the basis of registration of FIR including investigation after filing of the writ petition and its publication in the print, electronic and social media. Reliance has been placed by the learned senior counsel appearing on behalf of the petitioner on a judgment of the Delhi High Court in the case of Naveen Jindal v. M/s.Zee Media Corporation Ltd., & Anr. [2015 SCC ONLINE DELHI 7810]. Per contra, learned Senior Counsel Sri C.V.Mohan Reddy, appearing on behalf of respondent No.3, contends that as the news has already come in the electronic media, therefore, the said relief is now rendered infructuous; even otherwise, media cannot be restrained to publish news. Reliance has been placed by him on the judgment of Hon'ble the Supreme Court in the case of Sahara India Real Estate Corporation Ltd. & others v. SEBI & Anr. [(2012) 10 SCC 603].	
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		Learned Advocate General appearing on behalf of respondents 1 and 2 has strenuously urged that the manner, in which the pleadings have been made in the name of respondent No.5, is not proper; therefore, it is an abuse of process of the court. Thus, in such circumstances, interference by this court is not warranted. Learned senior counsel S.S.Prasad, appearing on behalf of respondent No.4, in reference to the letter dated 23.03.2020, contends that, on account of the allegations as made against the petitioner, FIR has rightly been registered; therefore, at this stage, interference in this writ petition is not warranted. After hearing learned counsel appearing on behalf of the parties and considering the facts of the case and the circumstances in which the issue cropped up with respect to a former Advocate General and also looking to the news as read during the course of hearing, in the considered opinion of this court, the response of respondents 1 to 4 and 6 is required. Let response be filed by them within a period of FOUR WEEKS. Considering the prayer as made in I.A.Nos.1, 2 and 3 of 2020, by way of interim relief, it is directed that no coercive steps shall be taken in furtherance to FIR No.08/RCO-ACB-GNT/2020 of ACB, Guntur, dated 15.09.2020, which has been registered after filing of this writ petition against any of the accused. The enquiry, investigation is also stayed. It is further directed that the news in regard to registration of FIR or in the context of the said FIR shall not be made public in any electronic, print or social media, to foist the office of a former	
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	Advocate General and also with respect to the other alleged accused persons. The Secretary, Home Department, Govt. of A.P., the Director General of Police, A.P., shall inform through the Information and Public Relations Department, Govt. of A.P., to the effect that no electronic or print news item be published with respect to the FIR No.08/RCO-ACB-GNT/2020 of ACB, Guntur, dated 15.09.2020 and connected events until further orders of this Court. Social media posts shall also not be published and, in this regard, the Director General of Police, A.P., and the Ministry of Information and Broadcasting, Govt. of India, shall take steps to inform the relevant social media platforms/houses in this regard. List this case for further hearing after FOUR WEEKS. A copy of this order shall be communicated forthwith to the Secretary, Home Department, Govt. of A.P., the Director General of Police, A.P., the Information and Public Relations Department, Govt. of A.P., and the Ministry of Information and Broadcasting, Govt. of India and other connected stakeholders, if any. On receipt of copy, the Director General of A.P., shall ensure supervision and strict adherence to the directions of this court. J.K.MAHESHWARI, CJ MRR/GM	
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