

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH: AT  
HYDERABAD**

**W.P.NO.     /2001**

BETWEEN:

SAKTI a voluntary  
Non – Government Organisation  
(Regd. No. 76/85) represented  
By its Director Dr. P. Sivaramakrishna  
s/o. venkata Narayan 50 years     Petitioner

And

1. The Ex. Officer joint  
Collector, Agency  
Addl. District magistrate  
Project Officer, Rampachodavaram  
E.G.Dist.
  2. The Station House Officer  
Jeelugumilli Police Station  
Jeelugumilli, W.G.Dist
- ..... Respondents.

**AFFIDAVIT FILED ON BEHALF OF PETITIONER – ORGANISATION**

Dr. P. Sivaramakrishna non son of Venkata Narsaiah aged about 50 years, resident of Hyderabad do hereby silently affairs and state as follows.

1. I respectfully submit that I am the Director of the petitioner –organization and as such I am well acquainted with the facts of the case. I am authorized to file this writ Petition on behalf of the petitioner –organization.
2. I submit that the petitioner organization has been registered with Reg. No. 76/85 dated 25-2-1985 and has been receiving donations from the funding agencies and foreign countries and as such the petitioner is governed by the provision of foreign contributions regulation Act, 1976 and the rules made thereunder. The relevant Certificate has been issued by the Competent authority on 29-4-1985.
3. I humbly submit that ever since its registration the this organization has been working for the upliftment of the tribals, conservation of forests etc. the petitioner organisation is active in East Godavari, west Godavari, Kurnool, Mahaboobnagar and Khammam Disticts and some parts of warangal and Adilabad Districts. It has initiated various research programmes and actively implemented the rehabilitation programme after the 1996 cyclone. The petitioner – organisation represented by me has been taken into confidence by the state Government to fined out unable solution for the land problem in west Godavari District Agency area, while framing the guidelines for verification of title deeds of the land in the schedule area of west Godavari District. This Hon'ble Court was pleader to permit the petitioner to represent the Cases was pleased to permit the petitioner to represent the cases of tribals before the statutory forum like the settlement officer and this has been upheld by the Division Bench of this

Hon'ble Court. Such being the case, the police at the instigation of non-tribal land lords has been targeting the petitioner organization and impleating me in various false cases, including murder etc.

4, I submit that in this background the non-tribal land lords of the local villages of W.G. Dist have been instigating police to see that our activity through the voluntary Organisation is crippled. On 17-2-2001, at about 4.15 P.M. the Police of jeelugumilli police station, west Godavari Dist have come and taken away the records of the petitioner – organization from its office at Rampachodavaram of E. G. Dist when I was informed about it. I was shocked as the persons who seized the accounts books and records have no authority as per the F.C.R.A. Act. I was informed that the project Officer, Integrated Tribal Development Agency (ITDA), Additional District Magistrate, East Godavari District has issued search warrant based upon a frivolous complaint made by a helpless, poor tribal woman. This particular officer does not have the authority to order for such action or issue search warrant which is violative and has no authority to order seizure of the records. All these are in violation of the provisions of F.C.R.A.

5, I respectfully submit that the complaint, as indicated in the F.I.R. reads as follows:-

“These people have converted us into Bandits and claiming that they will act for the upliftment of the tribals got lakhs or rupees from foreign countries and Sivaramakrishna and his wife have been misusing such money by showing fraudulent account and creating wrong records, cash books and come in the name of the tribals”

6. I submit that section 10 of the F.C.R.A. states that the Central Government may prohibit receipt of foreign contributions when the acceptance of such contributions is against public interest and other circumstances. Section 6 (1) states that if any intimation given by the organization is false, the Government may direct such organization not to accept foreign contribution. This money has come to the petitioner-organization for various activities including research development and other allied activities. The respondent Officer ought not to have issued such a search warrant in violation of section 14, 15 of the F.C.R.A. if there is any contravention of the provisions of the Act, then the Court can take cognizance of the offences under the Act, then the court can take cognizance of the Act with the previous sanction of the central Government only. Any offence punishable under this Act may also be investigated into by such an authority as the Central Government may specify. Neither the officer who has issued search warrant nor the police sub inspector who seized the books are authorized as per the provisions of the F.C.R.A. Thus the action of the respondents in seizing the books and taking away these books is arbitrary and violative of Article 14, 19 (1) (g) of the Constitution of India. The F.C.R.A. was framed with an intention to regulate and keep track of foreign contribution to various organizations and at the same time create an atmosphere wherein the organization would work without the interference of local petty government officials. The Government of the authorities can at the most seek order for stoppage of foreign contributions and cancel of F.C.R.A. Certificate to the petitioner – organization restraining it from receiving the funds. Neither the police nor the complainant nor the R-1 has locus stand to inspect and seize the records except as provided in F.C.R.A. Respondent a cannot conduct any inquiry into 'utilisation' of funds received from foreign contributors. When no investigation can be done, seizure is also bad.

7. I submit that the seizure of the books has stopped our audit work. By 31<sup>st</sup> March the Auditor has to certify our accounts and we will have to submit the same to the Central Government; otherwise there is likelihood of the F.C.R.A. certificate being suspended which

will ultimately hamper various works which the petitioner-organisation was taken up. The police are bent upon harassing us as can be seen from the report submitted to Kovvur sub-divisional magistrate. For the enquiry mentioned in that report, F.C.R.A. account books are not necessary. I submit that the search warrant and the seizure is prime facie illegal and they are liable to be set aside. The very registration of crime pertaining to the receipt of the funds and the utilization of these funds which are covered by the provisions of F.C.R.A. are unconstitutional and illegal.

8. I submit that the petitioner-organisation has no other efficacious alternative ready except to invoke the extraordinary jurisdiction on of India and that the petitioner organization has not filed any writ petition, suit or initiated other proceeding in reaped of the subject matter of the present writ petition for redressal of grievance.

9. It is therefore prayed that this Honorable Court may be pleased to issue a writ of Mandamus or any other appropriate writ or order or direction declaring the action of the respondents in ordering the search and seizure of the records account books from the petitioner-organisation as illegal, unconstitutional and violative of the provisions of the F.C.R.A. 1976 and consequently direct the release of the records petitioner-organisation forthwith after setting a side the proceedings dated 17.2.2001 of the respondent No. 1 and pass such other or further orders as deemed fit.

10. Pending further orders this Hon'ble Court may be pleased to stay further investigation and inquiry into utilization of the funds received by the petitioner-organisation under the F.C.R.A. Act 1976 by the respondents and pass such or further orders as deemed fit.

Solemnly and sincerely affirmed  
On this the 2<sup>nd</sup> day of March,  
2001 and signed his name in my presence.

DEPONENT

VERIFICATION STATEMENT.

I, Dr. P. Sivaramakrishna son of Venkata Narsaiah aged about 50 years, Director of the petitioner-organisation (Regd. No. 76/85) being the petitioner/person acquainted with the facts of the case do hereby verify and state that the contents in paragraphs 1 to 7 of the affidavit are true facts to the best of my knowledge and those in paragraphs 8 to 10 are true facts to the best of my knowledge and information and believed to be on legal advice.

Verified at Hyderabad on this the 2<sup>nd</sup> day of March, 2001

DEPONENT

Advocate.

**MEMORANDUM OF WRIT PETITION  
(Under Article 226 of the Constitution of India)**

**SPECIAL ORIGINAL JURISDICTION**

**IN THE HIGH COURT OF JUDICATURE OF ANDHARA PRADESH: HYDERABAD**

**W.P. NO. /2001**

BETWEEN:

SAKTI a voluntary Non-  
Governmental Organisation  
(Regd. No. 76/85 represented by  
Its Director Dr. P. Sivaramakrishna **.... Petitioner**

And

1. The Ex. Official Joint Collector  
Agency, Addl. District Magistrate  
Project officer, Rampachodavaram  
East Godavari Dist.
2. The Station House office  
Jeelugumilli Police Station  
West Godavari Dist **..... Respondents.**

The address of the petitioner for service of all notices and processes on his is that of his counsel M/S. K.S. Murthy & N. Bhavani Sankar. Advocates 45 Amba Gardens Mahedipatnam, Hyderabad-28.

For the reason stated in the accompanying affidavit the petitioner prays that this Honorable court may be pleased to issue a writ of mandamus or any other appropriate writ of order or direction the action of the respondents in ordering the search and seizure of the

records account books from the petitioner organization as illegal, unconstitutional and violative of the provisions of the F.C.R.A. 1976 and consequently direct the release of the records of petitioner organisation forthwith after setting a side the proceedings dated 17.2.2001 of the respondent No. 1 and pass such other or further orderess deemed fit.

Hyderabad,  
2.03.2001

COUNSEL FOR PETITIONER.

EAST GODAVARI DIST

HIGH COURT : HYDERABAD

W.P.NO. /2001

WRIT PETITION

M/S K.S. MURTHY (2316)&  
N. Bhavani Sankar  
Counsel for Petitioner.

**IN THE HON'BLE HIGH COURT OF JUDICATURE: ANDHRA PRADESH  
HYDERABAD**

**W.P.M.P. No. 4833/2001**

**IN**

**W.P. No. 3747/2001**

Between:

SAKTI – A Voluntary Non-Governmental  
Organisation (Reg. No. 76/85)  
Represented by the Director,  
P. Sivarama Krishna

**Petitioner.**

And

1. The Ex-Officio Joint Collector (Agency) Addl. District Magistrate,  
Project Officer, Rampachodavaram, E.G. District.
2. The Station House Officer, Jeelugumilli Police Station,  
West Godavari District.

**Respondents.**

**COUNTER AFFIDAVIT FILED BY RESPONDENT 1.**

I, T. Baburao Naidu, S/o T. Bonju Naidu, aged 40 years, resident of Rampachodavaram, E.G. District, A.P. sincerely affirm and state as follows:

- 1) I submit that I am working a Project Officer, I.T.D.A. Rampachodavaram since July' 2000. It is submitted that the Hon'ble High Court in W.P.M.P. No 4833/2001 while directing issue of notice to the Respondents herein, granted interim stay of further investigation under the provisions of Sec. 14 of the Foreign Contributing (Regulation) Act 1976 for a period of three weeks.
- 2) I submit that a Criminal Case u/s 420, 406 R/W. 34 IPC was registered under Crime No. 15/2001 Jeelugumilli Police Station, west Godavari District. Dt. 17.2.2001 against the Petitioner herein. The Complainant is Thellam Muthamma, D/o Lakshmodu of Pathacheemalavarai Gudem. As a part of investigation the Sub-Divisional Police Officer, Jangareddigudem, West Godavari District has filed a requisition before the Project Officer, I.T.D.A. Rampachodavaram & Addl. District Magistrate, seeking issuance of Search proceedings to made search the Petitioner's office premises located at Rampachodavaram. The sub-Divisional Police Officer, Jangareddigudem while informing that the Mobile and Sub-Division Magistrates were out of head quarters, requested this Respondent to issue search proceedings to cause inquiry. It is fact that the Sub Divisional Magistrate, Rampachodavaram was on official duty to Hon'ble Supreme Court of India, New Delhi and the Mobile Magistrate was also out of head quarters.
- 3) I submit that on receipt of the requisition from the sub-Divisional Police Officer Jangareddygudem and duly taking into account the seriousness of the Criminal Case launched, i.e., cheating a tribal by the petitioner as mentioned in the F.I.R. copy if Jeelugumilli P.S. in Crime No. 15/2001 and in the interest of Public, this Respondent has

reason to believe that the petitioner possess documents relevant to the criminal case lodged against them and as a part of discharging of my duties having with good-faith Search proceedings were issued as per the requisition and in-accordance with the provisions contemplated under Sec. 93 and 94 Cr. P. C. and basing on the provisions laid down in Single line Administration vide G.O. Ms No. 434, Genl. Admn. (Spl. A) Dept., Dt. 14.8.1986.

4) I submit that as Ex-Officer Addl. Joint Collector (Agency) & Addl. District Magistrate, Rampachodavaram, I authorized two employees (Lecturers) in the locality to be present at the time of search as mediators and accordingly issued Search Proceedings Dt. 17.2.2001 on which day the crime was reported and registered at jeelugumilli police Station. I submit that the Search Proceedings were issued only in the absence of Judicial Magistrate. I am not interested, in the regular Police Investigation in the Cr. No. 15/2001.

5) I submit that as per request made by the 2<sup>nd</sup> Respondent, I pass Search Warrant Proceedings, that only in the interest of Public, I passed the said orders there are no merits in W.P. I pray that the W.P. may be dismissed.

Project Officer &  
Ex-Officio Joint. Collector (Agency)  
Addl. District Magistrate,  
Rampachodavaram, E.G.District.  
DEPONENT

Solemnly affirmed and signed  
Before me this 20<sup>th</sup> day of March'2001

Asst. Accounts Officer.  
I.T.D.A.  
Rampachodavaram.

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT  
HYDERABAD**

**W.P.NO. 3747/2001**

BETWEEN:

SAKTI, & voluntary Non-Governmental  
Organisastion (Regd. No. 76/85). Rep.by  
It's Director, Dr. P.Sivarama Krishna,  
s/o. Venkata Naraiah 50 years.

**.....PETITIONER**

AND

The Ex-Officio Joint Collector.  
Agency Addl. Dist. Magistrate,  
Project Officer, Rampachodavaram  
E.G.District. & another

**.... RESPONDENTS**

**COUNTER AFFIDAVIT FILED BY THE 2<sup>ND</sup> RESPONDENT**

I GRVVS Anjanya Swamy S/o, Ramaiah Naidu, aged 48 years, residing at jeelugumilli, W.G.District, now giving temporarily come down to Hyderabad, do hereby solemnly an sincerely affirm an state as follows:

1. I am the Sub-inspector of police, Jeelugumilli police Station, jangareddiugudem sub-division, W.G.District the 2<sup>nd</sup> respondent here in and as such, I am well-acquainted with the facts of the case and filing this counter affidavit. I have read the affidavit of the petitioner filed in support of the above writ petition and I deny all those allegations that are not specifically admitted hereunder.

2. It is submitted that it is true that the petitioner organization has been registered with Regd. No. 76/85, Dt. 25.2.1985. The contention of the petitioner-organisation has been working for the upliftment of the tribals conservation of forests etc., is totally incorrect and false. It is true that the petitioner-organization is active in East and West Godavari, Kurnool, Mahbubnagar and Khammam Districts. The contention of the petitioner that it has initiated various research programmes and actively implemented the rehabilitation programme after 1996 cyclone. Is incorrect and false. It is submitted that the petitioner organization has been taken into confidence by the State Government prior to 1995. The contention of the petitioner that the police at the instigation of the non-tribal land-lords has been targeting the petitioner organization and implicating the deponent of the affidavit in various false cases including murder etc. is not correct. the contention of the petitioner that the non-tribal land-lords of the local villages of W.G.Dist have been instigating police to see that their activity through voluntary organization is crippled, is incorrect.

3. It is submitted that the contention of the petitioner that the petitioner is campaigning in the area ad fighting for the rights of the tribals. Is not correct. On the other hand. The petitioner organization of late has been concentrating more in land grabbing by instigating the tribals to grad the patta lands of the non-tribals by creating terror in their minds by attacking

them by bows and arrows. Further, the petitioner-organisation is also involved in kidnapping of Govt. Officials and also involved in some murder cases and rioting cases. It is submitted that the petitioner-organisation is involved in several criminal cases like murders. Attempt to commit murders, rioting, criminal trespass mischievous, arson and looting in Jeelugumilli, Buttaigudem, Polavaram, Koyyalagudem, Gopalapuram police Station limits in Jangareddigudem sub-Division, W.G.District agency area. It is submitted that originally the tribals and non-tribals were living together in the scheduled areas with peace, but during the year 1994, when the petitioner-organisation entered into agency villages it started instigating the tribal to fight against the non-tribals to grab the crops raised by the non-tribals in their patta lands, by attacking with weapons like bows and arrows and by creating terror in the minds of the non-tribals and threatening them for not raising any crops in their patta lands. It is submitted that at the instigation of the petitioner-organisation, the tribals, who were in fact most law-abiding citizens in the agency area, have become law-breakers. Further. Participating in the land grabbing campaign meetings held by the leaders of the petitioner-organisation, the tribals at the instigation of petitioner-organisation used to gather in large number. Armed with bows and arrows knives etc., attacking the non-tribals, taking away their crops and dispossessing them from their patta lands. Therefore, the petitioner organisation has been preaching and instigating the tribals to take law into their hands and indulge in all sorts of criminal activities right from looting to murdering the non-tribals for getting their patta lands unlawfully. It is submitted that the police never supported the non-tribals as stated in the affidavit.

4. It is submitted that on 17.2.2001, at 7 a.m. one Thallam Muthamma D/o. Lakshmu. Tribal, a former worker of petitioner-organisation came to the 2<sup>nd</sup> respondent police station and gave a complaint against the deponent of the affidavit and his wife, P.Sarada Devi stating that she previously worked as an active leader in the petitioner-organisation and collected local funds from tribals realized through selling of crops taken away from the lands of the non-tribals and deposited the same in petitioner-organisation but the accused person have misused the said amounts for their personal gains instead of spending them on the welfare of tribals and the accused persons have also been involved in misappropriation of amounts received from other source such as aids etc. mix which is evident from the records maintained by the accused persons in the office of the petitioner-organisation. It is also stated by the complainant in her complaint the accused persons have been collecting the heavy amounts from tribals by instigating them into various criminal activities and spending the same on their-self etc. it is submitted that basing on the said complaint of the above complainant a case was registered in Cr. No. 15/2001, U/s. 420 & 406, read with 34 IPC on 17.2.2001 against the deponent of the affidavit and his wife. After registration of the said crime basing on the above complaint, this respondent has made a report to the sub-Division, Police Officer, JR Gudem and in view of report of this respondent, the Sub-Division Police Officer requested the project officer & Addl. Dist. Magistrate (Agency) & Ex-Officio Joint Collector (Agency). Rampachodavaram, E.G.Dist to issue search warrant and accordingly the same was issued by the project officer. Thereafter basing on the search warrant, this respondent inspected the presence of petitioner organization along with two independent mediators and seized the records available in the office of the petitioner organization at Rampachodavaram at 4.50 P.M. on 17.2.2001/ in Cr. No. 15/2001. Registered u/s. 420 & 406, r/w 34 IPC earlier. Therefore the contention of the petitioner that I have no authority to seize the records of the petitioner organization is untenable. The further contention of the petitioner that the project officer, ITDA has issued a search warrant based on frivolous complaint made by a poor helpless tribal woman is incorrect. It is a fact that the complaint was a former leader and worker of the petitioner organization. Therefore the contention of the petitioner that the 1<sup>st</sup> respondent has no authority to issue search warrant is incorrect and untenable. It is submitted that after seizer

of records from the officer of the petitioner-organisation, basing on the report of the sub-Division. Police officer, the supdt, of police. E.G. District addressed a letter to the Central Govt. to verify the records of the petitioner organization in respect of violation of provisions of FCRA Act, as the said records seized are not only relates to offence u/s. 420 & 406 IPC. But also appears to have related with regard to violation of provisions of FCRA Act. The records seized show that the petitioner organization has been appending amounts for purchase of arrows etc., on large scale for instigating the tribals for attacking the non-tribals, officials etc., apart from misappropriation u/s. 420 IPC. It is submitted that this respondent has not registered any crime under the provisions of FCRA Act. As stated sups. The records were seized in connection with Cr. No. 15/2001, u/s. 420 & 406 read with 34 IPC. Already, the superintendent of police, W.G.District has addressed the Central Govt, bringing to their notice the fact of records seized in Cr. No. 15/2001, U/S. 420& 406 r/w. 34 IPC also appears to contain evidence for taking action under FCRA Act by the competent authority and their reply is awaited. It is submitted that the records seized from the office of the petitioner-organisation reveals that the petitioner-organisation is not utilizing the money for the purpose of which it was given by the Govt, of India, but on the other hand, the petitioner organization has been misutilising the said amounts by arming the tribals, instigating them to indulge in Criminal activities and also enriching themselves i.e. the accused persons. Therefore the petitioner cannot contend that this respondent has no jurisdiction to seize the records from the petitioner-organisations. The so-called record does not contain the entries with regard to amounts received from the petitioner-organisation from the Govt. of India alone, but the same also contains he entries with regard to the amounts received illegal in connection with crime No. 15/2001, registered u/s. 420& 406, r/w, 34 IPC on the file of this respondent, which is pending investigation. I further submit that if the records are returned to the petitioner-organisation, there is every likelihood of manipulating the records by the accused persons to avoid legal action, including criminal proceedings. Therefore, I submit that in the interests of justice and to conduct through investigation, it is not desirable to return the records seized from the petitioner-organisation before completion investigation.

**5.** It is submitted that the contention of the petitioner that the police are bent upon harassing the petitioner as can be seen from the report submitted to the sub-Divisional Police officer, is incorrect and false. I submit that though the investigation in Cr. No. 15/2001 is pending, this respondent is prepared to hand over the books seized from the petitioner to the concerned authority in respect of other offences.

**6.** It is submitted that the contention of the petitioner that the search warrant and seizure is illegal, is not tenable. Very registration of the crime is based upon the complaint given by the tribal woman. It is submitted that after 1995, the tribals of agency villages under the leadership of the petitioner-organisation used to attack the non-tribals in several police station in Jangareddigudem sub-Division. I further submit that when the police arrested the leaders of the petitioner organization or their criminal sections. The tribals used to kidnap the Govt. officials and police officials for releasing their leaders. In these circumstances, the police used to arrange pickets in some of the troubled areas of agency villages to meet the law and order problem in connection with the land-grabbing agitation. The police also conducting patrolling in the agency village to meet the law and order problem in connection with the land-grabbing agitation. The police also conducting patrolling in the agency village to control the unlawful activities of the petitioner-organisation. I further submit that petitioner-organisation also leveled allegations against police falsely and filed several cases in the sub-courts situated under SC. ST (prevention of Atrocities) Act. I submit that the petitioner organization has also filed another W.P. No. 11543/99 alleging that the police and revenue authorities are harassing them. In the said writ petition, the supdt. Of police, W.G.Dist. Filed a detailed counter

affidavit. For better appreciation of the present matter, the counter affidavit filed by the supdt. Of Police, W.G.District., in W.P. No. 11543/99 may be read as part and parcel of this counter affidavit.

7. I further submit that number of writ petitions are being filed before this Hon'ble Court by the non-tribals of W.G.District, stating that the tribals of are not allowing them to cultivate their patta lands in the agency areas and even if they cultivate, they are taking away their raised crops from their fields and gardens by trespassing and threatening them attacking them, which is the result of the instigation by the petitioner organization in the tribals and therefore seeking police protection and direction from this Hon'ble Court in that regard.

8. It is submitted that the petitioner for the purpose of the present writ6 petition made all incorrect and untamable allegations against the respondent-officials. I further submit that action taken by this respondent in seizing the records from the petitioner-organisation basing the complaint given by the tribal I Cr. No. 15/2001, u/s. 420, 406, r/w. 34 IPC on the file of this respondent police station, is legal, valid and strictly in accordance with law. I respectfully submit that the petitioner has not approached this Hon'ble Court with clean hands. The petitioner is not entitled for any relief under the extraordinary jurisdiction of this Hon'ble Court under Article 226 of the constitution of India. There are no merits in the writ petition and accordingly the same is liable to be dismissed.

In view of the facts and Circumstances explained supra, it is prayed that this Hon'ble Court may be pleased to dismiss the writ petition, with costs.

DEPONENT  
Su-Inspector of police  
Jeelugumilli PS, W.G.Dist.

Solemnly and sincerely affirm  
this the 12<sup>th</sup> day of April, 2001  
and signed his name in my presence.

BEFORE ME

ATTESTOR  
Advocate, Hyderabad.

**IN THE HIGH COURT OF JUDICATURE: ANDHARA PRADESH AT  
HYDERABAD**

**MONDAY THE FIFTH DAY OF MARCH  
TWO THOUSAND AND ONE**

**PRESENT**

**THE HON'BLE MR. JUSTICE: B. SUDERSHAN REDDY**

**WPMP. NO. 4833 OF 2001 IN W.P.NO. 3747 OF 2001**

Between:

SAKTI A Voluntary Non-Governmental  
Organization (Regd. No. 76/85) represented  
By its Director Dr. P. Sivaramakrishna

...Petitioner/  
(Petitioner in W.P. No. 3737/2001  
on the file of the High Court)

And

1. The Ex. Officio Joint Collector, Agency,  
Addl. District Magistrate Project Officer, Ramachodavaram  
East Godavari District.
2. The Station House Officer, jeelugumilli Police Station,  
West Godavari District.

..... Respondents  
(Respondents in – do- )

**COUNSEL FOR PETITIONERS: MR. K.S. MURTHY,  
COUNSEL FOR RESPONDENT: GOVT., PLEADER FOR HOME.**

Petition under section 151 of CPC praying the High Court to Stay further investigation and inquiry into utilization of the funds received by the petitioner organization under the FCRA Act, 1976 by the respondents, pending W.P. No. 3737 of 2001 on the file of the High Court.,

The Court while directing issue of notice to eh respondents herein to show cause why this application should not be complied with made the following order (The receipt of this order will be deemed to be the receipt of notice in the case).

**ORDER:-**

Prima facie, the complaint filed in the matter and taken on file by the respondents does not reveal the commission of any offence punishable under Sections 420 and 406 IPC. The allegations made against the petitioner herein may attract section 14 of the Foreign Contribution (Regulation) Act, 1976 (for short 'the Act). Section 14 of the Act confers jurisdiction upon the Central Government to authorize such Gazetted Officer holding a Group-A post as it may political party, person, organisation or association as the case may be if the Central government has reasons to be recorded in writing to suspect that any provisions of the act have been contravened by such political party or organization. Admittedly, there is no order as such passed by the Central Government authorizing such Gazetted officer to inspect any Prima facie, the action initiated against the petitioner5 herein suffers from legal

infirmities. In the circumstances, there shall be interim stay of further investigation under the provisions of the Act, for a period of three weeks.

Learned Government pleader for Home requests two weeks time for filling counter.

Post the WPMP 20-03-2001

Sd/- T.R. RATNAKUMAR  
ASST. REGISTRAR

For ASST. REGISTRAR...

To.

1. The Ex-officio Joint Collector-Agency, Addl. District Magistrate-project Officer.Rampachodavaram, E.G.District.
3. The Station House Officer, jeelugumilli Police Station W.G.District.
4. One Spare Copy.
5. 2 CCs to the G.P. for Home, Court of A.P. Hyderabad (OUT)
6. 1 CC to Mr. K.S. Murthy, Advocate.

**IN THE HIGH COURT OF JUDICATURE: ANDHRA PRADESH; AT HYDERABAD  
TUESDAY THE TWENTY SEVENTH DAY OF MARCH TWO THOUSAND ONE  
PRESENT:  
THE HON'BLE MR. JUSTICE: GODA RAGHURAM  
W.P.M.P. NO. 4833 OF 2001**

**BETWEEN**

Sakti a Voluntary Non-Governmental Organisation (Retd. No. 76/85)  
Represented by its Director Dr. P. Sivaramakrishna.

....PETITIONER  
(Petitioner in W.P.No. 3747/2001  
on the file of the High Court)

And

1. The Ex. Officio Joint Collector Agency, Addl. District Magistrate  
Project Officer, Rampachodavaram, East Godavari District.
2. The Station House Officer, jeelugumilli police Station, W.G. District.  
.... RESPONDENTS  
(Respondents in do)

Petitioner under **Section 151 CPC** praying the High Court to stay further investigation and inquiry into utilization of the funds received by the petitioner organisation under the F.C.R.A. Act, 1976 by the respondents, pending the W.P.No. 3743/2001 on the file of the High Court.

The petition coming on for hearing upon perusing the petition and the affidavit filed in support thereof, and the order of the High Court dated. 5-3-2001 and made herein and upon hearing the arguments of Mr. K.S. Mruthy, Advocate for the petitioner and G.P. for Home for the Respondents.

The court made the following ORDER;

“Interim orders granted on 5-3-2001 shall stand extended until further orders”.

Sd/- P.V. RADHAKRISHNA RAO  
ASSISTANT REGISTRAR

For Assistant Registrar.

To.

- 1 The Ex. Officio Joint Collector Agency, Addl. District Magistrate
- 2 Project officer, Rampachodavaram, East Godavari District/.
3. The Station House Officer, jeelugumilli Police Station W.G.Dist.
4. Two CCs to G.P. for High Court of A.P. Hyd (OUT)
5. One spare copy.

SAH