

**THE HON'BLE SRI JUSTICE RAKESH KUMAR**  
**AND**  
**THE HON'BLE SRI JUSTICE BATTU DEVANAND**  
**WRIT PETITION (PIL) No.102 of 2019**

**Order** : (Per Hon'ble Sri Justice Rakesh Kumar)

**Proceeding was taken up through video conferencing**

Heard Sri P.Narahari Babu, learned counsel for the petitioner and Sri Y.N.Vivekananda, learned Government Pleader attached to the office of learned Advocate General.

2. The present writ petition was filed in the month of May, 2019 as Public Interest Litigation (PIL) by the petitioner with certain vague assertions with a prayer to issue *Writ of Mandamus* declaring the action of respondent No.3/State of Andhra Pradesh in diverting the special funds, which were sanctioned by respondent Nos.1 and 2/Union of India for the state development for the backward areas in the State of Andhra Pradesh, as illegal.

3. In the writ petition no specific assertion was made as to how and what fund was released by the Central Government and how it was diverted. In normal course the said writ petition was required to be rejected out rightly on this very ground. Besides this in para 7 of the writ petition a categorical statement has been made that the petitioner had not made any representation to the Government, meaning thereby, that the petitioner before making prayer for issuance of *Writ of Mandamus* by way of PIL, has not demanded justice before the authority concerned. This is the condition precedent for invoking *Writ of Mandamus*. The petitioner has not demanded any justice from the authority concerned. In the writ petition only vague submissions were made. Thereafter, a Coordinate Bench of this Court granted liberty to the petitioner to file amendment petition. Subsequently, one interlocutory application *vide* I.A.No.1 of 2020 was filed for amendment, which was itself defective and the same was dismissed on 24.02.2020. While

dismissing I.A.No.1 of 2020, liberty was granted to the petitioner to file a fresh application along with relevant documents. The learned counsel for the petitioner submits that after order, dated 24.02.2020, the petitioner has filed another interlocutory application *vide* I.A.No.2 of 2020, in which he made it clear to amend the writ petition by adding para 4(2) to para 4 (2) (k). In support of so called amendment petition, an affidavit has also been filed. Even after going through the amendment petitions, it is clear that no assertion has been made regarding approaching the authority concerned for demanding justice and directly this writ petition was filed. Considering the fact that the writ petition was filed with vague statements and also without approaching the authority concerned, we are of the opinion that such writ petition even as PIL may not be entertained.

Hence, the Writ Petition (PIL) stands dismissed. There shall be no order as to costs.

As a sequel, the miscellaneous petitions, if any, pending shall stand closed.

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**JUSTICE RAKESH KUMAR**

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**JUSTICE BATTU DEVANAND**

16<sup>th</sup> June, 2020  
IKN

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(Order of the Bench dictated by the Honourable Sri Justice Rakesh Kumar)

16.06.2020

IKN