

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 28TH DAY OF FEBRUARY 2014

PRESENT

THE HON'BLE MR.JUSTICE K.L.MANJUNATH

AND

THE HON'BLE MR.JUSTICE RAVI MALIMATH

WRIT PETITION NO.48056 OF 2012(KEB-PIL)

BETWEEN:

Sri Vaijanath Patil
Aged about 74 years
Ex-Minister
R/o Shanthinagar,
Gulbarga.

...PETITIONER

(By Sri S.S.Holalli, Advocate)

AND:

1. The Government of Karnataka
Represented by Chief Secretary
Vidhana Soudha,
Bangalore – 560 001.

2. Principal Secretary
Department of Energy
Vikasa Soudha,
Bangalore – 560 001.
3. The Karnataka Power Transmission
Corporation Ltd.,
Cauveri Bhavan,
Bangalore – 560 001
Represented by Managing Director.
...RESPONDENTS

(By Smt.Niloufer Akbar, AGA for R1 & R2
Sri Kalyan Basavaraj, ASG for R3)

This Writ Petition is filed under Article 226 and 227 of the Constitution of India praying to direct the R1 and 2 to publish the one man commission enquiry report of Justice V.P.Mohankumar submitted to the Govt. in the Month of October 2011 vide Go dated 13.10.2009 and make available to the public vide Annexure-A.

This Writ Petition coming on for preliminary hearing this day, K.L.Manjunath J., made the following:-

ORDER

The Commissioner who is a former Minister has filed this petition to issue a writ of mandamus directing the respondent no.1 and 2 to publish the Commissioner's report submitted by One Man Commission headed by Justice V.P. Mohankumar, who is said to have submitted his report in the month June'2007 and to make available the same in the interest of the public.

2. According to the petition, the averments on account of the illegal activities committed by the KPTCL between 2002 to 2009, there is a loss to the exchequer of the State. It is also the further case of the petitioner that between 2002-2009 on account of illegal purchase and procurement of the coal loss was sustained to the exchequer and the matter was raised in the assembly session on 14.09.2009. An assurance was made by the

then Chief Minister to appoint a One Man Commission enquiry. Accordingly, an enquiry report has been submitted by One Man Commission. Though the same has been submitted the same has not be considered by the Government. Therefore, the present petition is filed.

3. After hearing the petitioner's counsel and the Government Advocate, we are of the opinion that under the provisions of the Enquiries Act, if One Man Commission is appointed and if such a commission has submitted its report, it is for the Government to accept the report or to reject the report. When the said report is not yet considered by the Government before the same is considered by the Government by the State of Karnataka in accordance with Law, no writ can be issued directing the Government to issue the report and make the same available to the public.

4. Therefore, we are of the view that the relief sought by the petitioner cannot be considered by this Court. Accordingly, the writ petition is dismissed.

Sd/-
JUDGE

Sd/-
JUDGE

JJ/-