

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. _____ OF 2018
[@SPECIAL LEAVE PETITION (CIVIL) NO. D. 29890 OF 2018]

UNION OF INDIAAPPELLANT(S)

VERSUS

T. DHANGOPAL AND OTHERSRESPONDENT(S)

ORDER

A.K. SIKRI, J.

Leave granted. Delay condoned.

2. With the enactment of the Andhra Pradesh Reorganisation Act, 2014 (hereinafter referred to as the 'Act'), erstwhile State of Andhra Pradesh stand bifurcated into two States, viz., State of Andhra Pradesh and State of Telangana. This has happened with effect from June 02, 2014 as that is the effective date fixed for enforcing the aforesaid Act. The Act also makes a provision for separate High Courts for State of Telangana and State of Andhra Pradesh. City of Hyderabad, which was the capital of erstwhile State of Andhra Pradesh is now part of State of Telangana and has become the capital of State of Telangana. The High Court is located

at Hyderabad. It would, obviously, be housing the High Court of State of Telangana. Insofar as State of Andhra Pradesh is concerned it has decided to create and construct new city known as 'Amaravathi' which is going to be the capital of State of Andhra Pradesh. High Court of Andhra Pradesh would be located in that city.

3. Writ petition in the form of Public Interest Litigation (PIL No. 59 of 2015) was filed in the High Court of Judicature at Hyderabad seeking implementation of the aforesaid provisions of the Act so that bifurcation of the High Court takes place expeditiously in terms of the provisions of the Act. This petition was disposed of by the High Court vide its judgment dated May 01, 2015 directing the State of Andhra Pradesh to identify and locate the site where the permanent High Court of State of Andhra Pradesh would be constituted in the territory of Andhra Pradesh. Number of other directions were given including the feasibility of arranging temporary benches for sitting of the Hon'ble Judges of the High Court under Section 51(3) of the Act, pending constitution of permanent High Court etc.
4. Instant appeal is filed by the Union of India against the aforesaid order with emphasis that steps should be taken to have two separate High Courts as the functioning of two High Courts within the same premises (as directed by the High Court in the impugned judgment), is misplaced and impermissible under the provisions of Sections 30 and 31 of the Act.

5. Notices were issued to both the States of Telangana as well as Andhra Pradesh and respondents. Mr. Mukul Rohatgi, learned senior counsel appearing for State of Telangana took the position on an earlier date that State of Telangana was ready to provide a separate building in the city of Hyderabad itself where the High Court of Andhra Pradesh can be temporarily shifted till the time State constructs its own building in Amarawathi. However, at that juncture, Mr. Fali S. Nariman, learned senior counsel appearing for the State of Telangana informed that the makeshift building in Amarawati for housing High Court is almost ready and would be completed by December 15, 2018. It was directed that affidavit to this effect may be filed. One thing is clear from the aforesaid narration. Union of India, State of Telangana as well as State of Andhra Pradesh want creation of two High Courts as early as possible.
6. The High Court of Judicature for the States of Telangana and Andhra Pradesh has filed the Affidavit, the relevant portion whereof reads as under:

“4. By a letter dated 27-12-2017, the Chief Minister of the State informed the High Court that in a period of 16 to 18 months, the buildings would be ready and that it will be in the interest of the litigant public to have the High Court established soon in Amaravathi. The Government also expressed willingness to carry out suitable modifications to the existing buildings in 3 colleges/universities, where the new High Court could be temporarily located till the completion of construction of the permanent buildings.

5. The letter was against placed before the Full Court and it was resolved to authorize the Chief Justice to constitute 3 committees, one for the inspection of the temporary buildings offered by the

Government, another for bifurcation of employees and the third for digitization of the records.

6. The resolution of the Full Court was communicated to the Government by a letter dated 4-1-2018. Thereafter, the Committee of Judges constituted for the purpose of inspection of the buildings offered by the Government made a visit to Vijayawada on 10-2-2018. The committee inspected (i) the land and buildings at the NTR University of Health Science, Gannavaram (ii) the Building housing the Centre for Distance Education of the Acharya Nagarjuna University and (iii) the buildings at NIMRA Group of Institutions at Ibrahimpatnam (private educational institution) to see if they can be suitably modified to locate the new High Court temporarily till the construction of permanent structures. But the Committee of Judges found that these buildings would require a lot of modifications at a huge cost enormous time. Therefore, the CRDA came up with a proposal to build an Interim Judicial Complex of a built up area of about 2 laks sq. feet., with 18 court halls apart from a Chief Justice's Court hall. CRDA represented by adopting the same techniques as adopted for the construction of the Secretariat and the Assembly, the Judicial Complex could be built in a period of about 7 months.

7. The Committee of Judges, also visited Residential villas in 2 gates communities and found one of them to be suitable for accommodating the Judges.

8. After the visit of the Inspection Committee on 10-2-2018, the Secretary to the Government of A.P. wrote a letter dated 19-2-2018 to the High Court, communicating their decision to construct an Interim Judicial Complex where High Court can come up till a permanent structure is made ready.

9. The Report of the Inspection Committee of Judges and the letter of the Government dated 19-2-2018 were placed before the Full Court and the Full Court approved the proposal. The approval of the Full Court was communicated to the Government by a letter dated 5-3-2018.

10. By a letter dated 20-08-2018, the Chief Minister again requested the High Court to cause inspection of the progress of construction of the Interim Judicial Complex. By a reply dated 14.09.2018 the High Court requested the CRDA to depute a team of Officials for preliminary discussions with the Hon'ble Judges of the Committee. Accordingly, the Officials of CRDA made a PPT on 10.10.2018 to the Committee of Judges, in the presence of the Hon'ble Chief Justice.

11. While what is stated above is the sequence of events that have taken place with regard to the construction of the High Court, another development also took place simultaneously. Options were invited from the sitting Judges of the High Court, way back in April 2016. The options exercised by the Hon'ble Judges were duly forwarded to the Supreme Court and the Government of India. By a communication dated 03.10.2017 vide notification No. K-11018/01/2014-US-I Department of Justice HGOI, the Union of India has informed the High Court of the acceptance of options. Therefore, the High Court has done whatever is required of them to do and the impression created as though the Hon'ble Judges are hesitant to shift, is factually incorrect. The moment the infrastructure is made ready and a notification is issued, the High Court is prepared to shift. In fact some of the Hon'ble Judges who expressed willingness to shift, have also retired in the past 2 years and more."

7. From the aforesaid, it can be discerned that the building where the High Court of Andhra Pradesh would be temporarily shifted would be ready by December 15, 2018. It is also clear that the Judges of the High Court, who would become Judges of High Court of Andhra Pradesh, are satisfied with the facilities in the said building inasmuch as Full Court of the High Court has approved the proposal after Inspection Committee of Judges submitted a report in this behalf. Mr. Nariman also made a statement at the Bar that the Government would be hiring villas to take care of the residential needs of the Judges at Amaravathi. We may place on record that in Amaravathi a very big complex known as 'Justice City' is under construction where the High Court and subordinate courts and even some tribunals would be accommodated and there is a provision for construction of residential complex for the Judges of the High Court and judicial officers of the subordinate courts. The aforesaid

arrangement is *ad hoc* arrangement till the Justice City gets completely constructed.

8. Since all the requirements stand fulfilled, there is no embargo for the Competent Authority to issue a Notification bifurcating the courts into the High Court of Telangana and High Court of Andhra Pradesh respectively.
9. We expect such a notification to be issued by January 01, 2019 so that the two High Courts start functioning separately and High Court of Andhra Pradesh also starts functioning in the new building at the earliest.
10. Appeal is disposed of in the aforesaid terms.

.....J.
(A.K. SIKRI)

.....J.
(ASHOK BHUSHAN)

NEW DELHI;
OCTOBER 29, 2018

ITEM NO.57

COURT NO.4

SECTION XII-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 29890/2018

(Arising out of impugned final judgment and order dated 01-05-2015 in PIL No. 59/2015 passed by the High Court Of Judicature At Hyderabad For The State Of Telangana And The State Of Andhra Pradesh)

UNION OF INDIA

Petitioner(s)

VERSUS

T. DHANGOPAL & ORS.
IA 117606/2018,118767/2018,138659/2018)
(IN PERSON MATTER)

Respondent(s)

Date : 29-10-2018 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Mr. K.K. Venugopal, AG
 Ms. Madhavi Divan, Adv.
 Mr. Sachin Sharma, Adv.
 Ms. L. Charanya, Adv.
 Mr. Arvind Kumar Sharma, AOR

For Respondent(s) Mr. Fali S. Nariman, Sr. Adv.
 Mr. D. Srinivas, AG
 Mr. Guntur Prabhakar, AOR
 Mr. Subash Sharma, Adv.
 Mr. G. Pramod Kumar, Adv.
 Mr. Y. Shiva Santosh Kumar, Adv.

Mr. Mukul Rohatgi, Sr. Adv.
Mr. K. Radha Krishnan, SR. Adv.
Mr. J. Ramchander Rao, AAG
Mr. S.. Udaya Kumar Sagar, AOR
Mr. Mrityunjai Singh, Adv.

Respondent-in-person

Ms. Anitha Shenoy, AOR
Ms. Srishti Agnihotri, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Leave granted.

The appeal is disposed of in terms of the Signed order.

Pending application(s), if any, stands disposed of
accordingly.

(ASHWANI THAKUR)
COURT MASTER (SH)

(RAJINDER KAUR)
BRANCH OFFICER

(Signed order is placed on the file)