HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE P.SAM KOSHY

WRIT PETITION NO: 21251 OF 2025

Between:

Nooty Vasishta Venkateswarlu, S/o. Sri Nooty Ramamohana Rao, Age- 38 years, Occ- Advocate R/o. Plot No. 3A, Ashwini Layout, Journalist Colony, Jubilee Hills, Road No.70, Hyderabad

...PETITIONER

AND

1. Union of India, Ministry of Finance, Department of Revenue, represented by its Secretary, Government of India, New Delhi.
2. The Principal Chief Commissioner of Income Tax, Andhra Pradesh and Telangana, 10th Floor, A-Block, IT. Towers, A.C. Guards, Hyderabad-500004
3. Principal Director of Income Tax (Inv.), Hyderabad, IT Towers, AC Guards, Hyderabad - 500004
4. Income Tax Officer (Hqrs) (Tech), 0/o Pr. CCIT, AP and Telangana, B Block, 9th Floor, IT Towers, 10-2-3, AC Guards, Hyderabad - 500004

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of a WRIT OF CERTIORARI by calling, for the records relating to and connected with Order No.PDIT(INV)/HYD/138/1/2024-25 dated 29-11-2024 of the 3rd Respondent and set aside the same after declaring the action of Respondent Nos.2 to 4 in not accepting the applications of the Petitioner dated 17.10.2024 and 11.01.2025 made u/s 138(1)(b) of the Income Tax Act, 1961, as illegal, arbitrary, highhanded and violative of Articles 14 and 21 of the Constitution of India, and consequently direct Respondent Nos.2 to 4 to furnish immediately the

information sought for by the Petitioner under the applications of Petitioner dated 17.10.2024 and 11.01.2025 made u/s 138(1)(b) of the Income Tax Act, 1961.

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.3 to reconsider objectively the applications of Petitioner dated 17.10.2024 and 11.01.2025 made u/s 138(1)(b) of the Income Tax Act, 1961, and furnish the information solicited therein.

Counsel for the Petitioner: SRI KAILASH NATH.P.S.S.,

Counsel for the Respondent No.1: SRI B.MUKHERJEE, REP. FOR SRI GADI PRAVEEN KUMAR, DEPUTY SOLICITOR GENERAL OF INDIA

Counsel for the Respondent No.2 to 4: SRI N.PRAVEEN REDDY

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE P.SAM KOSHY

WRIT PETITION No.21251 of 2025

ORDER: *(Per the Hon'ble the Chief Justice Sri Aparesh Kumar Singh)*

Sri Kailash Nath P.S.S., learned counsel for the petitioner.

Sri B. Mukherjee, learned counsel representing Sri Gadi Praveen Kumar, learned Deputy Solicitor General of India, for respondent No.1.

Sri N.Praveen Reddy, learned counsel for respondent Nos.2 to 4.

2. The rejection of an application dated 17.10.2024 under Section 138(1)(b) of the Income Tax Act, 1961 (hereinafter referred to as, "the Act"), requesting for information relating to Sri Mothukuri Venkateshwar Sharma in respect of the assessment year commencing on the 1st day of April, 2013, by the office of the Principal Director of Income Tax (Investigation), Hyderabad, on the ground that the information sought for does not involve

any public interest has been made the subject matter of challenge in the present writ petition.

3. The present issue has a connection with the matrimonial dispute between the petitioner and his ex-wife – Ms. Sindhu Sharma, the elder daughter of Sri Mothukuri Venkateshwar Sharma. The wife filed a complaint under Section 498-A of the Indian Penal Code, 1860 (IPC), read with Sections 4 and 6 of the Dowry Prohibition Act, 1961, and Sections 406 and 323 of IPC in 2019 on the file of the Women Police Station, CCS, Hyderabad, alleging that her father spent Rs.1,40,00,000/- on wedding and gifts to the petitioner and his family purchased around 1.5 kgs of gold and 15 kgs of silver. The complaint was registered as F.I.R.No.223 of 2019 on 27.04.2019. The petitioner sought dissolution of marriage under Section 13(1)(ia) and Section 26 of the Hindu Marriage Act, 1955, in O.P.No.536 of 2022 before the learned Judge, Principal Family Court, Hyderabad, which was decreed on 19.07.2024 dissolving the marriage on grounds of proven cruelty by the wife. The petitioner thereafter approached the Central Public

Information Officer (CPIO) to furnish certain information. The information was supplied under the Right to Information Act, 2005, on 11.06.2025 by the CPIO and the Deputy Commissioner of Income Tax, Benami Transactions (Prohibition) Unit, Hyderabad. The extract of the said communication reads as under:-

> "1. A complaint was received from Shri Nooty Vashishtha Venkateshwaralu (NV Venkateswaralu) on 19-02-2021 and 07-05-2021with allegations against one Shri Mothukuri Venkateshwara Sharma (MV Sharma). Relevant points of the complaints are stated below
>
> a) Shri MV Sharma retired as Assistant Director in the Endowments Department of State Government of Telangana. He had worked as EO of Peddamma Talli Temple in Jubilee Hills.
>
> b) Shri NV Venkateswaralu was married to Ms. Sindhu Sharma, eldest daughter of Shri MV Sharma on 02-08-2012. It was further stated that marital disputes had arisen between the couple and FIR No. 223/2019 was registered on 27-04-2016 in Women Police Station, CCS, Hyderabad.
>
> c) Later vide DVC no. 365 of 2019 filed on 5-12-2019, before Hon'ble MM Court of Hyderabad, Smt. Sindhu Sharma has

claimed that her father had spent Rs. 1.3 crore on the marriage arrangements.

d) Shri NV Venkateswaralu has further alleged that one Shri Cherukuri Sreedhar, MD and CEO of Transtroy Infrastructure Company had transferred few crores of money into an account maintained with Jubilee Hills Check Post Branch of Andhra Bank. Out of the funds so deposited, Shri MV Sharma has utilized around Rs. 75 lacs to Rs. 1 crore towards the renovation expenses of Shri Seetharamachandra Swamy Temple at Uppal Kalan. The remaining amount has been used for mutual benefit.

2. He has filed a TEP to investigate the above mentioned matter.

3. Further, Shri NV Venkateswaralu had filed RTI application before CPIO on 3-11-2022 and the said application was disposed of by the CPIO vide order dated 20-11-2022. The applicant filed appeal before FAA on 24-11-2022 which was disposed off vide order dated 14-12-2022. The stated stand of the Department is that vide Notification dated 27-3-2008 issued by Department of Personnel and Training, Ministry of Personnel, Public grievances and Pension, the o/O Director General of Investigation (Income tax) has been included in the Second Schedule to RTI Act,

2005 and thereby the information sought by the appellant fits into the classification of exclusions listed in the Second Schedule to RTI Act, 2005.

4. The applicant preferred appeal with Hon'ble CIC on 03-01-2023, who vide its order dated 04-06-2024 had directed the undersigned to provide broad outcome of the enquiry.

5. The Department filed Writ Petition No. 18897 of 2025 against the order of the CIC dated 04-06-2024. The Department late filed Writ Appeal number 439 of 2025, against the decision Learned Single Bench of Hon'ble Telangana High Court in filed by Department.

6. However, since till date, no stay has been granted by the Hon'ble High Court of Telangana in the Writ Appeal, the broad outcomes of the enquiry is being informed to Shri Nooty Vasishta Venkateshwarlu (Appellant under RTI Act, 2005) vide this letter. Consequently, the **broad outcomes** of the enquiry are being provided below.

7. **Broad Outcomes**

1. Upon investigation, it was found that Transtroy Infrastructure had transferred certain amounts through its various bank accounts to the account held by Shri Ramachandra Swamy Temple in Uppal

Branch of Union Bank of India. A commemoration plaque at the temple confirmed the same. Further, no credit/debit transactions were found from the accounts held by Shri Cherukuri Sreedhar or Transtroy Infrastructure to/from accounts held by Shri MV Sharma.

2. Further, vide statement u/s 19(2) of PBPT Act, 1988 dated 17-08-2023, Shri MV Sharma has denied spending Rs. 1.3 crore for the wedding of his daughter.

3. Verification report pertaining to expenditure of Rs. 1.3 crore by Shri MV Sharma, on the marriage of his daughter was uploaded on the VRU module. Notice u/s 148 of Income Tax Act, 1961 was issued on 29-06-2021.Notice u/s 143(2) of Income Tax Act, 1961 was issued on 15-11-2021.

8. The information so provided to Shri NV Venkateswaralu is notwithstanding the stated law that vide Notification dated 27-3-2008 issued by Department of Personnel and Training, Ministry of Personnel, Public grievances and Pension, the O/o Director General of Investigation (Income tax) has been included in the Second Schedule to RTI Act, 2005 and thereby the information classification of exclusions listed in the sought by the appellant fits into the Second Schedule to RTI Act, 2005."

4. The petitioner had already preferred an application under Section 138(1)(b) of the Act on 17.10.2024 to the Principal Chief Commissioner of Income Tax to furnish the copies of the notice/communication issued to Sri Mothukuri Venkateshwar Sharma pursuant to his complaint dated 18.02.2021 i.e., in respect of enquiry conducted on tax evasion petition filed by him. He also sought the reply and the statement of Sri Mothukuri Venkateshwar Sharma, father of his ex-wife, if any recorded during the course of the proceedings and the order of the proceedings finalising the same in order to bring the real truth in larger public interest. That has been denied by the impugned order dated 29.11.2024 passed by the Principal Director of Income Tax (Investigation) Hyderabad. The petitioner, being aggrieved, has preferred the instant writ petition.

5. Learned counsel for the petitioner has taken two-fold grounds - i) that the impugned order is cryptic and does not disclose the exact reasons why such information cannot be disclosed in public interest and ii) that the information sought by the petitioner qualifies the

requirement of public interest and it would enable him to properly defend himself in the trial in the criminal case instituted by his ex-wife under Section 498-A of IPC along with other sections of law.

6. Learned counsel for respondent Nos.2 to 4 has strongly opposed the prayer. He submits that the information sought under Section 138(1)(b) of the Act is for the purposes of collecting evidence in a criminal case by the petitioner instituted by his ex-wife under Section 498-A of IPC. The details of the proceedings under the Act, therefore, can only be provided if they fall in the category under public interest. It is submitted that in similar circumstances, a coordinate Bench of this Court in W.P.No.16277 of 2025, dated 14.07.2025, has refused to interfere in the matter where such information sought by one of the partners of a firm under Section 138(1)(b) of the Act was denied by the authorities. The dispute of this nature is akin to the *inter se* dispute between the partners of the partnership firm. Therefore, the department has rightly refused to allow it.

7. It is submitted that the order impugned is not cryptic. No further elaboration on the issue of public interest could have been made by the competent officer who has examined the application on merits and found it not fit to be allowed.

8. We have heard the learned counsel for the parties at length.

9. The narration of relevant background facts in the opening paragraphs in this order need not be repeated.

10. It is apparent that the petitioner is trying to seek information under Section 138(1)(b) of the Act in respect of evasion of tax proceedings initiated at the behest of the petitioner against his father-in-law, to be used as an evidence in a proceeding under Section 498-A of IPC instituted by his ex-wife. The petitioner has already been furnished information under the Right to Information Act, 2005, by the CPIO of the Income Tax Department. Beyond that, further information as regards evasion of tax proceedings as against an individual by the petitioner and that too to be used as an evidence in a criminal trial

cannot fall in the category of public interest. The impugned order also does not appear to suffer from lack of application of mind or proper reasoning. It is always open for the petitioner to take a defence of the information already supplied to him under the Right to Information Act, 2005, in the criminal proceedings. The disclosure of further information relating to a proceeding for evasion of tax against a third party should not be allowed under the category of public interest. Therefore, we do not find any merit in this writ petition.

11. The writ petition is accordingly dismissed. However, there shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/-B. REKHA RANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

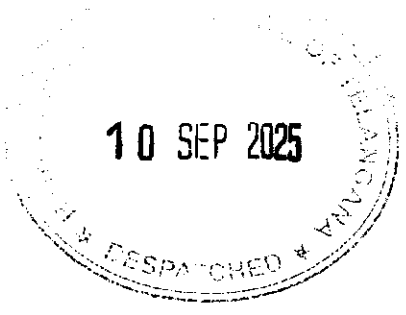
To,

1. One CC to SRI KAILASH NATH.P.S.S, Advocate [OPUC]
2. One CC to SRI N.PRAVEEN REDDY, Advocate [OPUC]
3. One CC to SRI GADI PRAVEEN KUMAR, DEPUTY SOLICITOR GENERAL OF INDIA, High Court for the State of Telangana at Hyderabad [OPUC]
4. Two CD Copies

BSR
LS

HIGH COURT

DATED: 23/07/2025



ORDER

WP.No.21251 of 2025

DISMISSING THE WRIT PETITION,

WITHOUT COSTS

6

L.B.

28/8/25