

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

WRIT PETITION(S)(CIVIL) NO(S). 622/2024

DR. SUBRAMANIAN SWAMY

PETITIONER(S)

VERSUS

THE STATE OF ANDHRA PRADESH & ORS.

RESPONDENT(S)

(FOR ADMISSION and IA No.222573/2024-PERMISSION TO APPEAR AND ARGUE  
IN PERSON)

WITH

W.P.(C) No. 628/2024 (PIL-W) (FOR ADMISSION)

W.P.(C) No. 630/2024 (PIL-W) (FOR ADMISSION)

WITH

WRIT PETITION(S)(CIVIL) NO(S). 645/2024 (X)

AND

WRIT PETITION(S)(CIVIL) NO(S). 640/2024 (PIL-W)  
(IA No. 225192/2024 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 04-10-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI  
HON'BLE MR. JUSTICE K.V. VISWANATHAN

Counsel for parties

Shri Tushar Mehta, Solicitor General

Mr. Kapil Sibal, Sr. Adv.

Ms. Baani Khanna, AOR

Mr. Robin Singh, Adv.

Ms. Palak Bishnoi, Adv.

Mr. Rohit Kumar, Adv.

Mr. Govinda Choudhary, Adv.

Mr. Rajshekhar Rao, Sr. Adv.

Mr. Ajay Sabharwal, Adv.

Ms. Sonali Jain, AOR

Ms. Sonia Mathur, Sr. Adv.

Mr. Satayam Singh, Adv.

Mr. Rajeev Ranjan, Adv.  
Ms. Sanchita Beniwal, Adv.  
Mr. Sanjeev Gupta, Adv.  
Mr. Shivam Singh, Adv.  
Mr. Rishikesh Kumar, Adv.  
Mr. Dipanshu Krishan, Adv.  
Mr. Rishi Singh, Adv.  
Ms. Ronika Tater, Adv.  
Ms. Tusharika Sharma, Adv.  
Ms. Mudabbera Zaheen, Adv.  
Mr. Alok Kumar, Adv.  
Mr. Gunjan Singh, Adv.  
Mr. Nikhil Chandra Jaiswal, Adv.  
Ms. Shubhi Bhardwaj, Adv.  
Ms. Madhumitha Kesavan, Adv.  
Mr. Nikhil Beniwal, AOR

Mr. Raghav Awasthi, Adv.  
Mr. Mukesh Sharma, Adv.  
Mr. Dinesh Sharma, Adv.  
Mr. Akash, Adv.  
Mr. Abhinav Kumar Garg, Adv.  
Dr. Nitin Sharma, Adv.  
Mr. Ashish Pandey, AOR

Petitioner-in-person (Dr. M Sathya Kumar)

Mr. Mukul Rohatgi, Sr. Adv.  
Mr. D. Srinivas, Advocate General  
Mr. Siddharth Aggarwal, Sr. Adv.  
Mr. Guntur Pramod Kumar, Adv.  
Mr. Dhruv Yadav, Adv.  
Mr. Samarth Luthra, Adv.

Mr. Siddharth Luthra, Sr. Adv.  
Mr. V. Lakshmi Kumaran, Adv.  
Mr. Guntur Prabhakar, Adv.  
Charanya Lakshmikumaran, Adv.  
Ms. Purna Singh, Adv.  
Anmol Kheta, Adv.  
Ms. Rajni Gupta, Adv.  
Ms. Anshula Verma, Adv.  
Mr. K.S. Jaggi, Adv.

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

1. These petitions have been filed by the petitioners seeking various reliefs including a direction to constitute a Committee consisting of a retired Judge of this Court or a retired Chief Justice of the High Court for the purpose of deeper probe into the

- allegations contained against the manufacture/preparation of prasadam and the Trust.
2. An FIR has been registered alleging therein that the ghee received in two tankers supplied on 06.07.2024 and two tankers supplied on 12.07.2024 by the same supplier found to be adulterated.
  3. It is the allegation in the FIR that the adulterated ghee was used in manufacture/preparation of prasadam/laddoos. The allegations in the FIR has the potential of hurting the sentiments of crores of devotees/people residing worldwide.
  4. On the last date, we had requested Shri Tushar Mehta, learned Solicitor General of India to take instructions as to whether the investigation can be continued by the Special Investigation Team (SIT) which was constituted by the State Government or it should be conducted by an Investigating Agency.
  5. Shri Tushar Mehta, learned Solicitor General of India, on instructions, states that he has enquired about the credentials of the Members of the SIT constituted by the State Government and found that all the members of the SIT constituted by the State Government have good reputations. He, therefore, states that there shall be no issue if the investigation is conducted by the said SIT.
  6. He, however, submits that this Court can direct an officer of the Central Government who is senior to the Members of the SIT to supervise the investigation.
  7. At the outset, we clarify that we have not gone into the allegations and counter allegations made in either of the petitions or the stand of the respondents.
  8. We clarify that we would not permit the Court to be used as a political battleground.
  9. However, in order to assuage the feelings of crores of people/devotees, we find that the investigation should be conducted by an independent SIT consisting of the representatives of the Central Bureau of Investigation (CBI), representatives of the State Government and a representative of the Food Safety and Standards

Authority of India (FSSAI). We further find that it will be appropriate that the investigation is carried out under the supervision of the Director of CBI.

10. We, however, clarify that the instant order passed by this Court should not be construed as any reflection on the independentness or the fairness of the officers of the SIT constituted by the State Government. We are passing order regarding entrustment of this matter to an independent agency consisting of the aforesaid members only to assuage the feelings of crores of people/devotees having faith in the deity.

11. We, therefore, dispose of these petitions with the following directions:-

I) The SIT constituted by the State Government is substituted as under:-

i. Two officers from the CBI, to be nominated by the Director, CBI.

ii. Two officers from the Andhra Pradesh Police, to be nominated by the Government of Andhra Pradesh.

iii. One senior officer of the FSSAI, to be nominated by the Chairperson of the FSSAI.

II) The SIT shall work under the supervision of the Director of CBI.

12. Pending application(s), if any, shall stand disposed of.

(NARENDRA PRASAD)  
DEPUTY REGISTRAR

(ANJU KAPOOR)  
COURT MASTER