

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION Nos.7733 and 10421 of 2015

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COMMON ORDER:

Since the petitioner in these two writ petitions is the same and as practically the very basis for filing these writ petitions is also the same, this Court deems it appropriate to dispose of these two cases by way of this common order.

2. W.P.No.7733 of 2015 is filed for the following relief:

“to issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents in exhibiting the Photograph of the Petitioner in the List of Rowdy-Sheeters Board in the Police Station of the 6th Respondent without issuing any Notice or conducting any enquiry; as illegal, void, violative of principles of natural justice and also in violation of Articles 14, 21 & 300-A of the Constitution of India; and consequently to direct the Respondents to remove the Photograph of the Petitioner from the List of Rowdy-Sheeters Board in the Police Station of the 6th Respondent, and award Rs.5,00,000/- (Rupees Five Lakhs) as damages to the Petitioner on account of loss of reputation for exhibiting the Photograph of the Petitioner in the Police Station.”

3. W.P.No.10421 of 2015 is filed for the following relief:

“To issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents in opening a Rowdy-Sheet and exhibiting the Photograph of the Petitioner in the List of RowdySheeters Board in the Police Station of the 5th Respondent; as illegal, void, without jurisdiction, violative of principles of natural justice, violative of Articles 14, 19, 21 & 300-A of the Constitution of India and also violation of Standing Order No.601 of the Andhra Pradesh Police Manual Standing Orders and award Rs.5,00,0001- (Rupees Five Lakhs) as damages to the Petitioner on account of loss of reputation for opening Rowdy-Sheet and exhibiting the Photograph of the Petitioner in the Police Station of the 5th Respondent.”

4. The pleaded case of the petitioner is as under:

4.1. Under the influence of the third respondent in W.P.No.7733 of 2015, false complaints were filed against the petitioner through unconcerned persons. The third respondent instigated Mr.B.Praveen Kumar, Mr.M.Srinivas Rao and Mr.Kuchana Pedda Ramesh and they lodged false complaints against the petitioner in respect of the petitioner's property in Sy.Nos.2, 3/2, 4/2 and 5/2

situated at Mallampally village and the Station House Officer, Mulugu, Warangal District/fifth respondent in W.P.No.10421 of 2015 and the sixth respondent in W.P.No.7733 of 2015 registered Cr.Nos.260/2013 dated 26.11.2013, 12/2014 dated 16.01.2014 and 252/2014 dated 07.10.2014.

4.2. The third respondent in W.P.No.7733 of 2015 instigated the local rival persons to achieve his unlawful object and consistently put the petitioner in fear of injury in order to commit extortion and demanded huge amount of Rs.50,00,000/- as the petitioner's family is well settled with landed properties, doing mining business and running a petrol pump. When the petitioner declined to pay such huge amount, he instigated the above three persons and got filed the three false complaints and influenced the Station House Officer, Mulugu to register criminal cases against the petitioner and punish by affecting arrest and to suffer imprisonment by hook or crook with false evidence. The third respondent in WP.No.7733 of 2015 is using the influence on the revenue and police department to coerce the petitioner to surrender and to oblige his unlawful demands. The Deputy Superintendent of Police, Mulugu, influenced the Station House Officer, Mulugu for opening the rowdy sheet and to exhibit the photograph of the petitioner in the rowdy sheets board in the Police Station.

5. Pleading in the manner indicated *supra* and while stating the above said action is illegal, void, without jurisdiction, violative of the principles of natural justice, violative of Articles 14, 19, 21 and

300-A of the Constitution of India and violative of Standing Order No.601 of the A.P.Police Manual Standing Orders and while praying to grant compensation of Rs.5,00,000/- to the petitioner herein, the present writ petitions have been filed before this Court under Article 226 of the Constitution of India.

6. Resisting the pleadings in the affidavits filed in support of the writ petitions and denying the averments and allegations made therein, counter affidavit has been filed by the Sub-Inspector of Police, Mulugu. It is stated in the said counter affidavit that in view of involvement of the petitioner in five crimes, the Deputy Superintendent of Police, Warangal called and advised the petitioner to change his attitude, but the petitioner did not mend his behaviour and the petitioner created disturbance to the public order in Mallampally village by demolishing the tombs in the burial ground to acquire the land with *mala fide* intention and therefore as per the complaint of the villagers Cr.No.252/2014 was registered by Mulugu Police on 07.10.2014 under Sections 297, 447, 427, 153-A read with 34 I.P.C and the petitioner is facing the trial. It is also stated that in order to curb the unlawful activities and in view of the interest of the villagers, rowdy sheet has been opened after obtaining the permission from

the

Sub-Divisional Police Officer, Mulugu as per the A.P. Police Standing Orders. It is also stated that the reliable information is received by the police that the petitioner is threatening the witnesses not to depose in the trial Court, but no specific complaint is received from the witnesses.

7. Heard Sri K.Govardhan Reddy, learned counsel for the petitioner and the learned Government Pleader for Home for the respondents apart from perusing the material available before the Court.

7. Submissions/contentions of the learned counsel for the petitioner:

7.1. The impugned action on the part of the respondent police authorities is highly illegal, arbitrary, void, without jurisdiction, unwarranted and violative of the basic structure of the Constitution of India and is opposed to the very spirit and object of the Standing Order 601 of the A.P. Police Standing Orders.

7.2. There are no ingredients of Standing Order No.601 of the A.P. Police Standing Orders, and in the absence of the same, there is absolutely no justification on the part of the police in resorting to the impugned action.

7.3. As the impugned action tarnishes the reputation of the petitioner in the public, petitioner is entitled for compensation from the respondents.

7.4. There is no denial of the allegation that the respondent police resorted to the impugned action on the influence of the third respondent in W.P.7733 of 2015, as such, the writ averments shall necessarily be deemed to have been proved and admitted, and in view of the same, the very impugned action is liable to be deprecated.

7.5. The Director of Mines and Geology vide demand notice dated 27.02.2012 imposed penalty of Rs.26,17,800/- on the allegation of illegal quarry and with regard to Sy.No.102/2 the wife of the petitioner filed O.S.No.668/2014 and I.A.No.710 of 2014 and the Court of the II Additional Senior Civil Judge, Warangal, granted order of *status quo*.

7.6. The rowdy sheet cannot be opened in a routine, mechanical and cavalier manner.

To bolster his submissions and contentions, the learned counsel for the petitioner places reliance on the judgments in the case of **KAMMA BAPUJI v. STATION HOUSE OFFICER, BRAHMASAMUDRAM** and **PUTTAGUNTA PASI v. COMMISSIONER OF POLICE, VIJAYAWADA**.

8 . Submissions/contentions of the learned Government Pleader for Home for the respondents:

8.1. There is no illegality nor there is any procedural infirmity in the impugned action, as such, the present writ petition is not maintainable and the petitioner is not entitled for any relief from this Court.

8.2. There is no violation of either statutory or constitutional right of the petitioner and in the absence of the same, the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India is not available to the petitioner.

3. The action under challenge is strictly in conformity with the A.P. Police Standing Orders and since the petitioner is a habitual offender, rowdy sheet has been opened as per the Police Standing Orders by the competent authority.

9. In the light of the pleadings on record and the submissions and contentions of the learned counsel for the petitioner and the learned Government Pleader for Home, appearing for the respondent authorities, now the issue which this Court is called upon to answer is

“Whether the opening and continuance of the rowdy sheet against the petitioner herein is in conformity with the A.P. Police Standing Orders and whether the same is sustainable and tenable?

10. Rowdy sheet cannot be opened in a mechanical, routine and cavalier manner and great care, caution and circumspection are required to be observed for opening of the rowdy sheet as the same undoubtedly touches the personal liberty of the citizen and has a considerable impact on the fundamental rights as enshrined under Chapter III of the Constitution of India. The State and its instrumentalities are the custodians of the statutory and constitutional rights of the citizens. Parliament and the State legislatures make the laws, keeping in view the betterment and welfare of the people and the authorities functioning under the same laws have the holy and sacred obligation to discharge their duties keeping in view the object and intention behind the said laws made by the legislature. Any deviation and breach of the same would render the actions invalid and void. The actions of the authorities should necessarily be in the direction of creating and strengthening the confidence of the people in the system, lest anarchy prevails, which would never be in the interest of the democratic system which is guided by the rule of law. Every action of the authorities should be in consonance with the basic structure of the Constitution of

India which is the dream of the founding fathers of our Magna Carta. The action which is under challenge in these writ petitions is required to be examined, assessed and adjudicated in the light of the above issues.

11. The provision of law which is germane and relevant for the purpose of adjudication of the present issue is A.P. Police Standing Order 601, which reads as *infra*:

“Rowdies

601 The following persons may be classified as rowdies and Rowdy Sheets (from 80) may be opened for them under the orders of the SP/DCP and ACP/SDPO.

A. Persons who habitually commit, attempt to commit or abet the commission of, offence involving a breach of the peace, disturbance to public order and security.

B. Persons bound over under Sections 106, 107, 108 (1) (i) and 110 (e) and (g) of Cr.P.C.

c. Persons who have been convicted more than once in two consecutive years under sections 59 and 70 of the Hyderabad City Police Act or under Section 3, Clause 12, of the a.P. Towns Nuisances Act.

D. Persons who habitually tease woman and girls and pass indecent remarks.

E. Rowdy Sheets for the rowdies residing in one Police Station area but found frequenting the other PSs area, can be maintained at all such Police Stations.

F. Persons who intimidate by threats or use of physical violence or other unlawful means to part with movable or immovable properties or in the habit of collecting money by extortion from shopkeepers, traders and other residents.

G. Persons who incite and instigate communal/caste or political riots.

H. Persons detained under the “AP Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land-Grabbers Act, 1966’ for a period of 6 months or more.

I. Persons who are convicted for offences under the Representatives of the Peoples’ Act for rigging and carrying away ballot papers, Boxes and other polling material.”

12. According to the learned Government Pleader for Home, the writ petitioner herein falls under Police Standing Order 601-A. As evident from a reading of the

same, it is clear that persons who habitually commit, attempt to commit or abet the commission of offences, involving a breach of peace, disturbance to public order and security can be categorised as rowdy. At the same time, when civil litigations are pending between the parties, the same cannot be made the sole foundation and the basis for opening the rowdy sheet at the instance of one of the parties to the said civil disputes and if the same is allowed, the very object behind the Police Standing Orders would be frustrated and would amount to invasion into fundamental rights of the citizens guaranteed under Chapter III of the Constitution of India in general and Article 21 in particular. Therefore, the authorities entrusted with these functions are required to be highly cautious and transparent in their actions.

13. According to the respondent police authorities, the very basis for opening and continuing rowdy sheet is the registration of five crimes against the petitioner herein. According to the petitioner the same are at the instance of the political pressure on the police.

14. The material available on record discloses that the police registered following crimes:

“1. FIR.No.88/2011

2. FIR.No.269/2013

3. FIR.No.260/2013

4. FIR.No.12/2012

5. FIR.No.252/2014”

15. The case arising out of FIR.88/2011 registered on the file of the Mulugu Police Station, Warangal District for the offences under Section 107 of Cr.P.C on the complaint of the revenue authorities admittedly ended in closure and the same would be evident from the orders of the Sub-Divisional Magistrate and the Revenue Divisional Officer, Mulugu vide Proceedings F/1376/2011 dated .07.2011 and the last paragraph of the said orders reads as under:

“In the said circumstances of the case the provisions of sub-section 2 of Section 147 Cr.P.C have been applied and it appears that Moolagundla Anusha, D/o. Moolagundla Malla Reddy is confirmed as having possession right over the land in Sy.No.354/1 of Mallampaly Village for an extent of Acs.34-00 gts and under sub-section 3 of Section 137 Cr.P.C it is hereby ordered that none else should interfere in to the peaceful possession at Moolagundla Anusha, D/o. Moolagundla Malla

Reddy in respect of Sy.No.354/1 of Mallampally village of Mulug Mandal for an extent of Acs.34-00 gts.”

16. FIR No.269/2013 on the file of Mulugu Police Station registered for the alleged offences under Sections 120-B, 464, 471, 420 r/w.34 IPC and 156 (3) Cr.P.C dated 08.12.2013 was closed as a matter of civil nature.

17. FIR.No.260/2013, on the file of Mulugu Police Station on the complaint of one Sri B.Praveen Kumar son of Agaiah is pending trial vide C.C.No.309/2014, on the file of the Judicial First Class Magistrate, Mulugu, for the alleged offences under Section 447, 427, 109 r/w 34 IPC. In the charge-sheet filed in the said case, it is alleged against accused No.3/petitioner herein that the accused 1 and 2 at the instigation of accused No.3/petitioner herein encroached the land of the complainant about Ac.3-00 and damaged the land and erected the cement poles. It is also stated in the said charge-sheet dated 26.11.2013 that there is no evidence of committing theft of mines and abusing and threatening. The very basis for the accusation against the petitioner is the dispute with regard to Ac.3-00 of land in Sy.No.34/2 of Mallampalli village with the neighbour, G.Surender and as evident from the material on record the said property is the subject matter of OS.No.918 of 2013 filed by M.Anusha, daughter of the petitioner and the petitioner herein on the file of the Court of the Principal Senior Civil Judge, Mulugu, Warangal against the said Sri.G.Surender wherein the said Court in I.A.No.769/2013 granted interim injunction order dated 04.12.2013. As rightly pointed out by the learned counsel for the petitioner, the complaint does not show as to how the complainant is concerned with the said property and as to why the defendant in the suit did not lodge any complaint and as to why the complainant had gone to the place of alleged offence. This undoubtedly gives the scope for drawing inference of motivation in the absence of any denial in the counter. Therefore, in the teeth of all these aspects, it can safely be concluded that the justification for opening rowdy sheet on the basis of this crime cannot be sustained.

18. In FIR.No.12/2012 on the file of Mulugu Police Station registered on the complaint of one Sri Mikkilineni Srinivas Rao s/o Seetharamaiah the police filed charge-sheet on 04.09.2014 for the alleged offences under Section 447, 427, 506 r/w 34 IPC and is pending vide CC.No.315/2014 on the file of the learned Judicial First Class Magistrate, Mulugu, Warangal District. The subject matter of the said case is landed properties situated in Sy.Nos.2, 3/2, 4/2 and 5/2 of Mallampalli

village. It is alleged that therein that the petitioner (accused No.1 in the said crime) and others are causing public nuisance and causing criminal trespass into his lands. According to the petitioner, he and his daughter filed O.S.No.90/2012 on the file of the Junior Civil Judge, Mulugu against the defacto complainant and the said Court in I.A.No.183/2014 granted interim injunction in respect of the properties in Sy.Nos.44/2, 46/2, 47/2, 48/2 and 49/2. The allegations on the face of the charge-sheet contained therein do not attract the ingredients of Police Standing Order 601 (a) and there is no breach of peace and disturbance to public and security to make the same either basis or genuine against the petitioner in the Police Standing Orders.

19. In FIR.252/2014, on the file of Mulugu Police Station on the complaint of Mr.Kuchana Pedda Ramesh the police filed the charge-sheet on the file of Judicial First Class Magistrate, Mulugu for the alleged offences under Sections 109, 153-A, 295-A, 297 r/w 34 IPC and is pending vide CC.No.5/2015. Paragraph No.2 of the said charge reads as under:

“The brief facts of the case are that on 07.10.2014 at 1900 hours the complainant Kuchana Pedda Ramaiah S/o Chinna Mallaiah, 45 years, Padmashali r/o Hunumainagar H/o Mallampalli came to PS Mulugu and lodged a complaint in telugu stated that since long back one Omar Khan allotted the 3.30 guntas land in Sy.No.102/2 for grave yard to the Hummainagar villagers on the presence of his village elders Kandakatla narsaiah S/o Mallaiah, Padmashali. After his demise one Edla Karunakar Reddy taken the land from his sons Kandakatla Mallaiah and Kandakatla Sambaiah and got pahanis on his name. Later the said Edla Karunakar Reddy sold the above land to Mulagundla Malla Reddy and got pahanis on his wife name Mulagundla Bagya Laxmi. While things stood so, on 06.06.2014 Mulagundla Mallareddy and his followers went the grave yard and dismantled the structures (Samadi) of his grandfather and grandmother and Sambaiah, Kuchana Chandra Mouli, Konka Narsaiah, Vengaladas Kumaraswamy and insulted their customs. Finally he requested to take necessary action against them as per law.”

20. The subject matter of the complaint is the landed property in Sy.No.102/2 of Mallampalli village and in respect of the same, wife of the petitioner herein filed W.P.No.4710 of 2015 and W.P.No.5569 of 2015 questioning the orders of cancellation of pattas and title deeds issued by the Revenue Divisional Officer. In WPMP.6241 of 2015 in W.P.No.4710 of 2015, this Court on 02.03.2015 passed the following interim order:

“Malafides have been attributed to the 5th respondent, who is a sitting MLA and

the prima facie material on record shows that there is a communication addressed to the official respondents though appears to be innocuous, the unseen influence cannot be ruled out.

In that view of the matter, there shall be interim suspension as prayed for.”

21. In WPMP.No.7407/2015 in Writ Petition.No.5569 of 2015, this Court on 06.03.2015, passed the following order:

“Interim suspension as prayed for.

Learned Government Pleader to get G.O.Ms.No. 56 dated 18.12.2012, wherein the Revenue Divisional Officer purported to have been conferred with the power of revision under Section 9 of the A.P. Rights in Land and Pattadar Pass Book Act, 1971 (the Act).

The G.O. has been mentioned in the order, and confirmation of the revisional power prima facie is contrary to Section 9 of the Act.

Notice.”

22. The nature of allegations made against the petitioner in the above FIRs against the petitioner herein, do not by any stretch of imagination, fall within the parameters of Police Standing Order 601 nor the allegations made in the teeth of the above factual scenario would attract the ingredients of the said Standing Order. On the other hand, the same are purely arising out of the property disputes between the parties and no allegation of disturbance to public order and security is involved.

23. In the facts and circumstances of the case, this Court has absolutely no scintilla of hesitation nor any traces of doubt to hold that the impugned action of opening and continuing rowdy sheet against the petitioner is highly illegal, arbitrary and unreasonable and preposterous, iniquitous and reprehensible besides being patent infraction of fundamental rights guaranteed to the petitioner herein under Chapter III of Constitution of India.

24. At this juncture, it may be appropriate to refer to the Judgment of the Hon’ble

Apex Court in ***DHANJI RAM SHARMA v. SUPERINTENDENT OF POLICE, NORTH DIST, DELHI POLICE AND ORS*** and the judgments of this Court relied upon by the learned counsel for the petitioner in ***KAMMA BAPUJI***(supra 1), ***PUTTAGUNTA PASI***(supra 2), ***SHAIK MOHBOOB v. COMMISSIONER OF POLICE*** and in ***WRIT PETITION.No.5406 of 2012*** dated 28.03.2012.

25. In ***DHANJI RAM SHARMA*** (supra 3), the Hon'ble Apex Court at paragraph No.7 of the judgment, held as under:

“7. A habitual offender or a person I habitually addicted to crime is one who is a criminal by habit or by disposition formed by repetition of crimes. Reasonable belief of the police officer that the suspect is a habitual offender or is a person habitually addicted to crime is sufficient to justify action under Rules 23. 4 (3) (b) and 23.9 (2). Mere belief is not sufficient. The belief must be reasonable, it must be based on reasonable grounds. The suspect may or may not have been convicted of any crime. Even apart from any conviction, there may be reasonable grounds for believing that he is a habitual offender.”

26. In ***KAMMA BAPUJI***(supra 1), this Court at paragraphs 12 and 13, held as follows:

“12. Learned counsel for the petitioners, Sri O. Manohar Reddy submits that pendency of even more than two criminal would not attract Clause (1) of S.O. 742, unless this offence relates to and involve breach of the peace. A plain reading of Clause (a) of S.O. 742 leads to inescapable conclusion that the submission made by the learned counsel for the petitioners is absolutely right. A Rowdy sheet can be opened against a person classified as a rowdy, if such person habitually commit, attempt to commit or abet the commission of offence involving a breach of the peace. In plain language a person who habitually commit, attempt to commit or abet the commission of offences alone can be classified as a rowdy and rowdy sheet can be opened, provided such offence relates to involving breach of the peace. If the offence even habitually committed, or attempted to be committed or abet commission of the offence, but not involving a breach of the peace, would not enable and authorise the police officer concerned to open rowdy sheet and classify a person as rowdy. It is in this area, a Police officer has to consider the material available on record and satisfy himself that commission of offence habitually by a person has resulted or is likely to result in breach of peace. The satisfaction is required to be arrived at in an objective manner and on the basis of the material available on record.

13. In the instant case, the petitioners are involved only in two cases and these cases have nothing to do with breach of the peace. It is not the case of the respondent that commission of these offences has resulted in breach of the peace in the village or town, as the case may be. Involvement in two cases itself would not attract Clause (a) of S.O. 742 and the person/persons cannot be treated as rowdy and no rowdy sheet can be opened against such person(s). Be

that as it may, even the said two cases registered against the petitioners, admittedly, had not resulted in any breach of peace. Viewed from any angle, the rowdy sheets open against the petitioners are ultra vires the Police Standing Orders. The action of the respondents in opening rowdy sheets against the petitioners is illegal and unconstitutional.”

27. In the case of **PUTTAGUNTA PASI** (supra 2), this Court at paragraph 5, held as follows:

“5. From the above, it is clear that rowdy sheets cannot be opened against any individual in a casual and mechanical manner. Dubbing a person as an habitual offender and to open a rowdy sheet is not sufficient. On the other hand, due care and caution shall be taken by the Police before characterising a person as a rowdy. The important element that has to be seen in the acts of an offender is whether the acts so committed by a person will have a tendency to disturb public peace and tranquility. In Kamma Bapuji's case (1 supra), the learned single Judge, following the decisions already rendered by the Supreme Court and this Court as cited above, held that opening of a rowdy sheet against the petitioner therein viz., Kamma Bapuji is incorrect.

6. The question involved in this Writ Appeal is almost similar to the one involved in Kamma Bapuji's case (1 supra). Apart from this, the appellant himself has filed an affidavit today swearing that in future he will not give room for any action to be taken against him for any offences. If the rowdy sheet opened against him is cancelled, he assures that he would make a decent living without attempting to disturb public peace and tranquility. The said affidavit is taken on record. From the facts narrated, it is very difficult to bring the appellant within the definition of a 'habitual offender'. The mention of his name in the rowdy sheet: is of non-application of mind by the authorities to the relevant provisions viz., Standing Orders 741 and 742 of the Police Standing Orders. The learned single Judge should have taken these aspects into consideration before accepting the opening of rowdy sheet against the appellant as correct: Probably, the learned single Judge would have agreed with the judgment rendered by his Lordship Justice B. Sudershan Reddy in the case of Kamma Bapuji's case (1 supra) and would have quashed the proceedings relating to opening of rowdy sheet if the said judgment was placed before his Lordship. Accordingly, the appeal is allowed and the order of the learned single Judge is set aside. We are completely in agreement with the order of the learned single Judge (B. Sudershan Reddy, J.) rendered in Kamma Bapuji's case (1 supra).”

28. In the case of **SHAIK MAHBOOB** (supra 4), this Court held as under:

"Admittedly the two cases registered against the petitioner have ended in acquittal. The third reference that a report was received from Special Branch Police that the petitioner threatened the Managing Editor of Siasat daily 'for not publishing in that paper about his organisation' and also threatened to burn the

newspaper, cannot be taken as 'copiously substantiated'. Something more is required so as to hold that threat was real which requires preventive measure as either the complainant himself would have registered a complaint or the Police ought to have taken some initiative on this threat. In the absence of this it is not in accord with law to treat the said situation as a cogent evidence so as to bring within the ambit of the person being habitual offender taking that case as a third incident. True whether commission of an offence or attempt to commit an offence could be taken as the relevant factor for the purpose of entering the name of a person in a rowdy sheet within the meaning of S.O. 742 but mere assertion does not lead to the situation that a person attempted to commit an offence. In the circumstances, adequate material has not been made out so as to enter the name of a petitioner in the 'rowdy-sheet' and continue the same unless substantial cogent material is available. In this case it is not possible to hold that enough material within the meaning of the judicial pronouncement laid down is available. Hence, mandamus is issued directing the respondents to delete the name of the petitioner from the rowdy sheet. This will not however preclude the respondents if fresh circumstances in future arise, warranting opening of rowdy sheet."

29. In W.P.No.5406 of 2012 by order dated 28.03.2012, this Court held, as under:

"Opening of rowdy sheets is presently governed by Police Standing Order No.601. In the said Standing Order, several categories of persons, against whom a rowdy sheet can be opened, are given. In this case, it is not in dispute that the petitioner was accused in only one case in Crime No.186 of 2009, which ultimately ended in acquittal. It is well settled that a person, who is involved in a single crime, cannot be termed as a habitual offender. In that view of the matter, and in view of acquittal of petitioner in S.C.No.307 of 2009, there appears no reason at all for continuing the rowdy sheet against him. Even with regard to displaying the photograph of petitioner in

the Police Station, it is fairly admitted by the learned Assistant Government Pleader for Home that there are no circular instructions or guidelines on that aspect. In view of involvement of petitioner in only one case and in view of his acquittal even in the said case, and in view of admission in the counter affidavit that no fresh cases are registered against the petitioner, this Court is of the view that there is no reason at all for continuing the rowdy sheet against the petitioner or displaying his photograph in the Police Station, as such display definitely affect the life and liberty of the petitioner."

30. The above narration and the principles laid down in the above authoritative pronouncements undoubtedly and unhesitatingly drives this Court towards an irresistible conclusion that the very opening and continuation of the rowdy sheet against the petitioner is a patent violation of the fundamental rights guaranteed to the petitioner under Chapter III of the Constitution of India and the petitioner herein cannot be branded as a rowdy nor his photograph can be displayed in the Rowdy-

Sheeters Board of the police station.

30. For the aforesaid reasons, the writ petitions are allowed, quashing the rowdy sheet opened against the petitioner herein and the respondents police are directed to remove the photograph of the petitioner herein, if any, from the Rowdy-Sheeters Board of the police station forthwith. As a sequel, Miscellaneous Petitions, if any, shall stand disposed of. No order as to costs.

A.V.SESHA SAI,J

Date: .07.2015

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THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION Nos.7733 and 10421 of 2015

Dated 27th July, 2015

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THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION Nos.7733 and 10421 of 2015

Date: 27.07.2015

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Between:

M.Malla Reddy,

S/o late Narsimha Reddy,

Aged 52 years, Occ: Advocate,

R/o H.No.1-7-1560, Srinivasa nagar,

Balasamudram, Hanamkonda,

District Warangal – 506 001.

... Petitioner

and

The State of Telangana, represented by its

Principal Secretary, Home Department,

Secretariat Buildings, Hyderabad and others.

... Respondents

DATE OF JUDGMENT PRONOUNCED: 27th July, 2015

SUBMITTED FOR APPROVAL: 27th July, 2015

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THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

1. Whether Reporters of Local Newspapers

May be allowed to see the Judgment? Yes/No

2. Whether the copies of judgment may be

Marked to Law Reporters/Journals? Yes/No

3. Whether Their Lordship wish to see the

Fair copy of the judgment? Yes/No

* THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

+WRIT PETITION Nos.7733 and 10421 of 2015

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% Dated : 27.07.2015

M.Malla Reddy,
S/o late Narsimha Reddy,
Aged 52 years, Occ: Advocate,
R/o H.No.1-7-1560, Srinivasa nagar,
Balasamudram, Hanamkonda,
District Warangal – 506 001.

..... Petitioner

AND

\$ The State of Telangana, represented by its
Principal Secretary, Home Department,
Secretariat Buildings, Hyderabad and others.

..... Respondents

! Counsel for Appellant : Sri K.Govardhan Reddy

^Counsel for Respondent : Government Pleder for Home

<GIST :

>HEAD NOTE :

? Cases referred :

1. 1997 (6) ALD 583
2. 1998 (3) ALT 55 (D.B)
3. AIR 1966 SC 1766
4. 1990 (1) APLJ 363