

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE  
AND  
THE HON'BLE SRI JUSTICE S.V. BHATT

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Writ Petition No.18441 of 2015

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DATED:29.06.2015

Between:

Andhra Association of Telangana,  
Hyderabad.

... Petitioner

And

The Union of India  
Represented by its Secretary,  
Ministry of Home Affairs,  
New Delhi and others.

....Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE  
AND  
THE HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.18441 of 2015

**PC:** (Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Petitioner in person, in the instant writ petition, seeks the following relief:

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon'ble High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the Respondents 2,4,8 and 9 in discharging the functions of law and Order through 100 police stations in the Common Capital area within the territorial limits of GHMC contrary to the Section 8 and its Sub-Sections 1 and 2 of the A.P. Reorganization Act, 2014 is illegal, arbitrary, unconstitutional and against Articles 14, 19(1)(e)(g) and 21 of the Constitution of India and consequently direct the respondent No.1 to give directions to Respondent No.2 to strictly implement and honour Section 8 of A.P. State Re-organization Act, 2014 and pass such other order or orders, as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

The prayer made in the writ petition is based on the provisions contained in Section 8 of the Andhra Pradesh Re-organization Act, 2014 (for short 'the Act'). Section 8 of the Act reads thus:

“Section 8 : Responsibility of Governor to protect residents of common capital of Hyderabad:

- (1) On and from the appointed day, for the purposes of administration of the common capital area, the Governor shall have special responsibility for the security of life, liberty and property of all those who reside in such area.
- (2) In particular, the responsibility of the Governor shall extend to matters such as law and order, internal security and security of vital installations, and management and allocation of Government

buildings in the common capital area.

- (3) In discharge of the functions, the Governor shall, after consulting the Council of Ministers of the State of Telangana, exercise his individual judgment as to the action to be taken.

Provided that if any question arises whether any matter is or is not a matter as respects which the Governor is under this sub-section required to act in the exercise of his individual judgment, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in the exercise of his individual judgment.

- (4) The Governor shall be assisted by two advisors to be appointed by the Central Government.”

From a bare perusal of the Section, it is clear that direction, as sought in the instant writ petition to respondent No.1, to issue direction to respondent No.2 to strictly implement and honour Section 8 cannot be granted since respondent No.2 has absolutely no role in implementing the provisions contained in Section 8 of the Act. The prayer made in this writ petition, in our opinion, is mis-conceived.

Hence, the writ petition is dismissed.

Consequently, pending miscellaneous applications shall also stand closed.

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**DILIP B. BHOSALE, ACJ**

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**S.V. BHATT,  
J**

29<sup>th</sup> June, 2015  
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