

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

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WRIT PETITION No.28848 OF 2011

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Between:

Smt. Munaganti Ramalakshmi and another.

.. Petitioners

And

The State of Andhra Pradesh,
Rep. by its Home Secretary, and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 10-08-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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|---|--------|
| 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 HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.28848 of 2011

ORDER:

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This writ petition was filed alleging inaction on the part of the police authorities in connection with the missing tractor and trailer of the petitioners bearing registration Nos.AHW-5515 and ADG-3028

respectively. According to the petitioners, they were in the illegal possession of respondent No.8 but, despite the complaints made by them to the police authorities, no action had been taken.

The Sub-Inspector of Police, Bhimadole Police Station, West Godavari District, filed a counter-affidavit denying that the petitioners ever presented a complaint to the police authorities at Bhimadole Police Station. Reference was made to the fact that the petitioners themselves filed copy of the returned envelope addressed to the Sub-Inspector of Police, Bhimadole Police Station, which bore the endorsement that no such officer was available at the police station and the same was therefore being returned to the sender. The Sub-Inspector of Police further stated that after filing of this writ petition, an enquiry was made with the Road Transport officials and it came to light that the subject tractor and trailer were not found plying on the roads in the local area. He further stated that notice dated 29.07.2015 was addressed to the petitioners by the police authorities to get the requisite details so as to register a case but till date the petitioners did not choose to respond thereto.

Perusal of the affidavit filed in support of the writ petition reflects that the petitioners stated that they only addressed their complaints by way of letters under registered post to various police authorities. No statement was made by them to the effect that any of the said letters were duly served on the addressees. So far as the complaint alleged to have been sent to Bhimadole Police Station is concerned, the petitioners themselves filed a copy of the returned envelope which indicated that the same was being returned as there was no Sub-Inspector of Police at that Police Station.

The Deputy Transport Commissioner, Eluru, West Godavari District, the seventh respondent, filed a separate counter stating that the subject tractor and trailer were not found plying on the roads and that the same would be seized pursuant to the complaint made by the petitioners, if they were found.

In the light of the afore-stated facts, Sri B. Prakasam, learned counsel for the petitioners, sought leave to permit the petitioners to at least now lodge a complaint with the police authorities concerned as regards the missing tractor and trailer so that necessary action can be initiated, if possible, in accordance with law.

As the said request is reasonable and the allegation of the petitioners that there was inaction on the part of the police authorities is shown to be wholly without basis as no complaint was received or registered with them, the writ petition is dismissed leaving it open to the petitioners to lodge their complaint with the police authorities concerned at least at this late stage.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

10th August, 2015
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