

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

TUESDAY THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 26958 OF 2015

Between:

Gollapalli Jagannadha Rao ... Petitioner

Vs.

The State of Andhra Pradesh
Rep. by its Prl Secretary,
Home Department
AP Secretariat,
Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri K.R.Sasidharan Nair

Counsel for the Respondents: GP for Home [AP]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION NO. 26958 OF 2015

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ORDER:

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This writ petition is filed under Article 226 of the
Constitution of India for the following relief :

“To declare the action of third respondent herein in harassing the petitioner by calling him to Police Station by sending the constables at the instance of Respondents 4 and 5 herein, forcing the petitioner to handover signed cheque and promissory note in favour of the fourth respondent herein allegedly in connection with an unregistered agreement of sale entered into by the brother of the petitioner with the fourth respondent herein dated 20/10/2012 to which the petitioner herein had signed as one of the witness, without there being any crime registered against him nor the petitioner involved in connection with any crime, as illegal, arbitrary and in violation of Articles 14, 19 and 21 of the Constitution of India and consequently to direct the respondents 2 and 3 not to harass the petitioner herein by calling him to the Police Station or forcing him to handover signed cheque or to sign promissory note in favour of fourth respondent herein and to pass such other suitable orders as this court may deem fit and proper in the circumstances of the case.”

2. When the matter is called, written instructions dated 10/09/2015 furnished by the Assistant Sub-Inspector of Police, Amudalavalasa Police Station, Srikakulam District have been placed on record by the learned Government Pleader for Home.

3. The written instructions, reads as under:

“ It is submitted that on 01/08/2015 one Gembali Suresh Kumar/fourth respondent herein and Boddepally Vijaya/fifth respondent herein lodged a complaint with Station House Officer, Amudalavalasa against one Gollapalli Jagannadha Rao/the petitioner herein stating that he purchased a flat from the petitioner i.e., G.Suresh herein for Rs.26 lakhs and he paid Rs.5 lakhs as advance. After receiving the amount, they refused to register the flat in the name of Suresh. Hence, requested to take necessary action.

Basing on the complaint, the respondent police made GD entry on 01/08/2015 and gave a receipt to the fourth respondent/Suresh Kumar and advised to approach the concerned appropriate court as the matter is civil in nature.

It is further submitted that after knowing the above said complaint, the petitioner herein filed this writ petition as precautionary measure. And the respondent police never harassed and never called the petitioner by sending the constables at the instance of Respondents 4 and 5 herein, forcing the petitioner to handover signed cheque and promissory note in favour, hence, the allegations are false and denied.”

4. On noticing the same, the learned counsel for the petitioner has requested this court to dispose of the writ petition by recording the said written instructions.

5. In view of the above, the writ petition is disposed of by recording the reasons mentioned in the written instructions, dated 10/09/2015 furnished by the Assistant Sub-Inspector of Police, Amudalavalasa Police Station, Srikakulam district.

6. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

15/09/2015
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HONOURABLE SRI JUSTICE A.V. SESA SAI

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