

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 16928 of 2011

Date: 04.06.2015

Between:

Harijana Basthi,
Uppal Kalan Municipal Council,
Ranga Reddy District,
Rep. by its Vice Chairman

.... Petitioner

And

Government of Andhra Pradesh,
Rep. by its Principal Secretary,
Home Department, Secretariat,
Hyderabad and others.

... Respondents

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ORDER:

This Writ Petition was filed by the Harijana Basthi, Uppal Kalan Municipal Council, Ranga Reddy District, challenging G.O.Ms.No.103, Home (PS & C.A1) Department, dated 27.04.2011. By way of the said G.O, the Government notified that the areas specified in Column No.4 of the schedule appended thereto shall cease to be included in the Commissionerate, Sub-Division and Police Station specified in

column Nos.1, 2 and 3 respectively and shall thereafter form part of the Police Station, Sub-Division and Commissionerate specified in column Nos.5, 6 and 7 respectively of the schedule. The petitioner is aggrieved by this exercise to the extent that the jurisdiction of Osmania University Police Station was altered and certain areas including the Harijana Basthi area were merged into the jurisdiction of Uppal Police Station, Cyberabad Police Commissionerate. The petitioner would contend that the areas in question should continue to remain within the jurisdiction of Osmania University Police Station. Reference in this regard is made to Sections 2(j) and 2(s) of the Code of Criminal Procedure, 1973 (for short 'the Code').

Section 2(j) deals with local jurisdiction and reads as under:

“*“local jurisdiction”*, in relation to a Court or Magistrate means the local area within which the Court or Magistrate may exercise all or any of its or his powers under this Code and such local area may comprise the whole of the State, or any part of the State, as the State Government may, by notification, specify;”

Section 2(s) defines police station and reads as under:

“*“police station”* means any post or place declared, generally or specially, by the State Government, to be a police station, and includes any local area specified by the State Government in this behalf;”

Section 8 of the Code deals with Metropolitan areas and reads to the effect that the State Government is empowered by notification to determine the areas in the State which shall be treated as metropolitan areas for the purpose of the Code.

The aforesaid provisions put it beyond doubt that it is for the Government to specify as to what would be the jurisdiction and local area which would fall within the control of a police station. Unless the exercise of the State in these policy matters is shown to be in violation of law, this Court would not interfere.

In the present case, the only contention urged is that once a local area has been specified under Section 2(s) of the Code, the State Government would have no power to cause merger of such areas already specified into the areas falling within another police station. However, the learned counsel is unable to substantiate this contention. It is not as if once an area has been specified as falling within a specific

police station, the State would be denuded of its power to cause any alteration by once again specifying or modifying the local area already notified. Such power of the State in matters of policy is plenary and cannot be doubted. The petitioner cannot contend that once the State itself has notified a particular area, it is estopped from changing it thereafter. This argument cannot be countenanced and as the Writ Petition is based on this sole contention, this Court finds no ground to interfere.

The Writ Petition is accordingly dismissed.

Pending Miscellaneous Petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

Date: 04.06.2015

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