

**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.22099 of 2015

Between:

Paladugu Kiran Kumar

.. Petitioner

and

The State of Andhra Pradesh, rep.by its Principal Secretary, Home
Department, Andhra Pradesh Secretariat, Hyderabad and four others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 5.8.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.22099 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking 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 herein and their subordinate staff in shutting down and causing obstructions from carrying out the business run by the petitioner under the name and style of “New Open House Restaurant and Bar” situated at NTS No.772/1, Revenue Ward No 9, block 16 bearing door No.29-16/9/A, Gopal Reddy Street, Vijayawada without any justifiable reasons as being illegal, arbitrary, colourable exercise of power and violative of Articles 14, 19 and 21 of the Constitution of India and consequently direct respondent Nos.2 to 4 and their subordinate staff not to interfere or cause obstructions to the petitioner from carrying out the business run by the petitioner under the name and style of “New Open House Restaurant and Bar” situated at NTS No 772/1, Revenue Ward No 9, block 16 bearing door No.29-16/9/A, Gopal Reddy Street, Vijayawada.”

2. Heard Sri P.Shashi Kiran, learned counsel for the petitioner, and the learned Government Pleader for Home (Andhra Pradesh) appearing for respondent Nos.1 to 4 apart from perusing the material available before this Court.

3. When the matter is called today, written instructions, dated 28.7.2015, furnished by the Sub-Inspector of Police, Suryaraopet L & O Police Station, Vijayawada City, Krishna District have been placed on record by the learned Government Pleader. The said instructions read as under:

“It is respectfully submitted that one Peddu Balarama Krishnaiah/5th respondent herein let out the schedule property from one Church of South Indian Trust Association Trust Krishna Godavari Diocesan from 1983 to 2019 (33) years for lease and same was given to one Paladugu Kirankumar/petitioner herein on rental basis and the terms and conditions were reduced into writing on 01.01.2012 through a rent agreement and the same was completed on 30.05.2015. It is further submitted that after completion of the agreement, the above said Peddu Balarama Krishnaiah/5th

respondent herein made an agreement with one Tadikonda Sai Krishna from 01.06.2015 to 31.12.2018.

It is further submitted that when the above said Tadikonda Sai Krishna went to the above scheduled property, hence Paladugu Kirankumar/petitioner herein made quarrel with Tadikonda Sai Krishna without vacating the schedule property. Hence Peddu Balaramaiah filed OS.No.718/2015 with regard to the above said property and the same was pending.

It is further submitted that both the parties were trying to enter into the above said property by creating nuisance. Hence the respondent police called both the parties and advised them to approach concerned appropriate Court as the matter is civil in nature as well as civil case is also pending before the Hon'ble Court. It is also submitted that the DGP office is situated at the exact opposite side of the above said schedule property hence there is laying police picket from long time to maintain law and order, except that the respondent police never obstructing the petitioner and never interfered into petitioner's schedule property as alleged by the petitioner, hence denied.

It is also submitted that the Inspector of Police, Suryaraopet PS made a requisition to the Dy.Commissioner of Excise, Vijayawada City stating that New Establishments and State Head offices and Hon'ble Chief Camp Office, DGP office like some important offices are being constructed in the limits of Suryaraopet L & O PS. Hence, to instruct the field officers to verify thoroughly before issuing licenses to bars and wines in this high security zone especially in and around kilometre from these important offices.

The respondent police will abide the directions if any passed by this Hon'ble Court."

On noticing the said written instructions, learned counsel for the petitioner has requested this Court to record the said instructions and close the writ petition.

4. In view of the aforesaid reason, the Writ Petition stands disposed of by recording the written instructions, dated 28.7.2015, furnished by

the Sub-Inspector of Police, Suryaraopet L & O Police Station, Vijayawada City, Krishna District. There shall be no order as to costs.

5. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date: 5.8.2015
AMD

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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DATE: 5.8.2015

AMD