

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.33551 OF 2011

—
DATED: 02.07.2015

—
—

Between:

Jewellers and Saraffa Association Charkaman,
Rep. by its Secretary Jagdish Pershad Gupta

.. Petitioner

And

The Government of A.P.,
Home Department,
Rep. by its Secretary and others.

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.33551 of 2011

ORDER:

—
The Jewellers and Saraffa Association, Charkaman, Hyderabad, is the petitioner. It seeks to assail the action of the police authorities in unduly harassing its members and desires suitable action to be taken on its representation dated 16.11.2011.

This Court is of the opinion that if the individual members of the petitioner association have any grievance as to the manner in which the police authorities are dealing with them, they would necessarily have to approach this Court by way of separate proceedings airing their individual grievances. It is not open for the petitioner association to file a representative action on behalf of all its members.

Sri G. Ramakrishna, learned counsel representing Sri H. Sudhakar Rao, learned counsel for the petitioner, relies on the order dated 23.01.2008 passed by a learned Judge of this Court in W.P.No.15874 of 2001 which was also filed by a jewellers'

association. He therefore states that suitable orders may be passed in this writ petition also instead of non-suiting the petitioner association.

However, perusal of the order in the afore-stated writ petition reflects that the grievance of the association in the said case was that the police authorities were not following the procedure prescribed in the statutory provision and the instructions given by the Government of Andhra Pradesh. As the prayer was merely to follow the prescribed procedure, the said writ petition was allowed.

However, the prayer in the present case is materially different as the petitioner association seeks a direction to the police authorities not to unduly harass its members. Such a direction would be personal to each of the members of the petitioner association and is not a general direction as was sought in the other writ petition.

This writ petition is therefore liable to be dismissed and is accordingly so dismissed. This order shall however not preclude the members of the petitioner association from ventilating their individual grievances, if any, by way of individual and separate proceedings instituted in accordance with law.

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

JUSTICE SANJAY KUMAR

2nd July, 2015
IBL