

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.428 of 2015

BETWEEN

Chandu Jain and others

... PETITIONERS

AND

The State of Telangana, Rep. by its Principal Secretary (Department of Home), A.P. Secretariat Building, Hyderabad and others.

...RESPONDENTS

The Court made the following:

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ORDER:

Heard.

2. Petitioners, who are ten in number, state that they are carrying on business as pawn-brokers and are members of registered Association, styled as "The Tirupati Pawn Brokers' Association".

It is stated that all the petitioners are having requisite licences and all their books are being regularly verified by the competent authority. Petitioners also state that they have already installed C.C.T.V. Cameras in the show rooms/shops of the respective petitioners and all the transactions are duly recorded in the books maintained by the petitioners in the regular course of business and that they are paying the requisite tax/cess to the Government and the licences are renewed periodically.

3. While so, the present writ petition is filed on the allegation that respondent Nos.4 to 7 called the petitioners to East Police Station, Tirupati, on 29.12.2014 and detained and interrogated some of the petitioners and have physically threatened and harassed and even damaged the cell phone of one of the petitioners. Petitioners state that they have been subjected to mental and physical cruelty by detaining them in the police station without there being any crime registered against any of them and on account of the said arbitrary action, as alleged, the present writ petition for Mandamus, is sought for alleging that respondent Nos.4 to 7 have no jurisdiction to interfere with the lawful business carried on by the petitioners.

4. Instructions received by the learned Government Pleader from the East Police Station, Tirupati, however, state that in view of the recent instances of chain snatching, in Tirupati Urban District, the Sub-Divisional Police Officer (SDPO), East Tirupati, gave instructions on 31.12.2014 requiring the police stations to call for owners of pawn brokers shop and interact them by giving counseling regarding pledging or selling of gold chains by any offenders and requested them to pass on information to the police if anybody tries to pledge gold jewels without proper identity of the person and receipts. They were also requested that they should not deal with any person without proof of identity and were instructed to cooperate with the police by installing C.C.T.V.Cameras and take proper security measures. Insofar as petitioner's allegation that they were called to the police station and that police have interfered with their business activity etc., is concerned, the same is denied.

5. Obviously, none of the petitioners are involved in any crime and the instructions of the SDPO, referred to above, appear to be only to request the pawn brokers to cooperate with the police and curbing the menace of chain snatching. Hence, while the petitioners, who are carrying on business in accordance with law, are entitled to carry on their business and shall not violate any legal provisions. However, to the extent of the necessity of the police to arrest the menace of chain snatching, it is open for the SDPO and respondent Nos.4 to 7 to issue an

advisory/circular to all the petitioners and the members of the association to follow and set up instructions and norms including to operate CCTV Cameras and to enable the police to check the activity and to ensure that the gold involved in the chain snatching instances is not clandestinely pledged with the pawn brokers. If such a circular or instructions are received, the petitioners and other members of the association shall strictly follow the same. However, the day to day activity and business of the petitioners shall not be interfered with by respondent Nos.4 to 7 unless there is any credible information of a cognizable offence against any of the petitioners or members of the said association.

With the above direction, the writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

January 27, 2015
LMV