

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

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

PUBLIC INTEREST LITIGATION No.304 OF 2014

DATED: 30.03.2015

Between:

Tanikonda Chiranjeevi

... Petitioner

and

The State of Andhra Pradesh and others

... Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

PUBLIC INTEREST LITIGATION No.304 of 2014

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ORDER: (per the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

This public interest litigation has been filed asking for a declaration that the action of the second respondent and his subordinate staff imposing unreasonable restrictions on the residents of Vijayawada City, outsiders, workers and all other blue colour workmen such as carrying identity cards for moving in the night hours under the guise of special drive is illegal, arbitrary and violative of principles of natural justice and Articles 14, 15, 19(1)(d)(e) and (g), 21 and 22 of the Constitution of India.

The grievance of the petitioner is that the police authorities have taken a decision to ask anyone and everyone to carry identity documents while moving in Vijayawada city during night hours. If anyone fails to do so, the suspects would be taken to police station. The aforesaid decision is illegal, arbitrary and violative of Articles 14, 15, 19(1)(d)(e) and (g), 21 and 22 of the Constitution of India.

After noticing the aforesaid fact and hearing the learned counsel, we do not find any reason to put such restriction which absolutely offends the fundamental rights guaranteed under Articles 14, 15, 19(1)(d)(e) and (g) of the Constitution of India. We are of the view that anyone and everyone cannot be suspected person for which one has to carry identity document during night hours. The area has not been identified to be susceptible to any serious law and order problem. This type of restriction, in our view, is unreasonable. We are also of the view that in the absence of any guidelines, the Government should not give free hand to the police in the name of maintaining law and order situation at all, which tend to harass the citizen of India and also the local residents of Vijayawada city.

We therefore close the public interest litigation confirming the interim order passed by this Court earlier, until and unless the State

Government comes out with specific guidelines with regard to maintaining law and order situation in the city of Vijayawada, during night time.

Consequently, miscellaneous petitions, if any pending, shall stand closed. No order as to costs.

K.J. SENGUPTA, CJ

30th MARCH, 2015.

SANJAY KUMAR, J

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