

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

WRIT PETITION No.28005 of 2013

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue writ of Mandamus to declare the proceedings in ROC No.D2/HR/3210/FA81/2015, dated 14.08.2015 issued by the 3rd respondent by removing the petitioner from the post of Field Assistant of Mogarala Grampanchayat, Pakala Mandal, Chittoor District without notice is illegal, arbitrary, unjust, contrary to law and unconstitutional, being violative of Principles of Natural Justice and declare the same as void abinitio, null and void and noens in the eye of law, by holding that the petitioner is entitled to be continued in service as Field Assistant in Mogarala Gram Panchayat, Pakala Mandal, Chittoor District.”

Heard Sri Muddu Vijai, learned counsel for the petitioner and learned Government Pleader for Home for respondents, apart from perusing the material available before this Court.

According to the petitioner, he was falsely implicated in a crime in the year 2001 vide S.C.No.175 of 2002 on the file of the Court of III Metropolitan Sessions Judge, Hyderabad and the said Sessions case ended in acquittal by way of judgment, dated 27-12-2003. It is also stated in the writ affidavit that subsequently another case was registered against the petitioner herein vide C.C.No.28 of 2005 on the file of the Court of XII Addl. Chief Metropolitan Magistrate, Hyderabad for the offence under Section 25(b)(a) of Arms Act. It is further stated that the said court after detailed trial acquitted the petitioner herein on 11-06-2007 and no appeal was filed against the said acquittal order. It is also stated in the writ affidavit that no other cases are registered against the

petitioner herein and no cases are pending against the petitioner herein as on date and despite the same the respondent – police authorities are not closing the rowdy sheet against the petitioner herein despite repeated requests.

Written instructions, dated 31-08-2015 furnished by the Sub-Inspector of Police, Kushaiguda Police Station, have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is submitted that to curb and curtail the unlawful activities of the petitioner in the vicinity of Kushaiguda Police Station, a rowdy sheet has been opened against the petitioner herein on 31-05-2001 and the same is being continued and renewed from time to time.

At present no cases whatsoever are pending or registered against the petitioner herein on the file of Kushaiguda Police Station.

It is pertinent to submit that unless a close watch is being maintained against the unlawful activities of the petitioner herein, there is every chance that he may repeat the offences.

It is submitted that the petitioner herein aged about 29 years is young and energetic. Due to fear of the petitioner, no one has come forward to the Police Station to lodge any complaints against him. This respondent enquiry revealed that the petitioner is maintaining a gang and there is likely to commit breach of peace.

In view of the public interest, the rowdy sheet has been continued till 31-12-2015. The intention of the petitioner is to get the rowdy sheet closed so that he can continue his unlawful activities.”

While referring to the said instructions it is stated by the learned counsel for the petitioner that there is no basis for the above allegations and the counsel has requested this Court to give liberty to the petitioner herein to approach the 6th respondent herein with necessary application for deletion of the name of the petitioner herein from the list of rowdy sheet.

In view of the above submission, the writ petition is

disposed of, permitting the petitioner herein to make an application before the 6th respondent herein with a request for closure of rowdy sheet, within a period of two (2) weeks from today. If any such application is made within the time stipulated the same be considered and appropriate action be taken by the 6th respondent, in accordance with law, within a period of one month from the date of receipt of such application.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. There shall be no order as to costs.

A.V. SESA SAI, J

September 14, 2015

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

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