

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

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WRIT PETITION No.1885 OF 2010

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ORDER:

This Writ Petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action on the part of the 3rd respondent in conducting investigation in Crime No.77 of 2009 on the file of Police Station Jami, and final report dated 08.10.2009 is illegal and against the SC & ST (POA) Act, 1989 consequently direct the 1st & 2nd respondents to take appropriate action for investigation in terms of SC/ST (POA) Act, 1989 under the provision of Code of Criminal Procedure, and pass such other order or orders that deem fit and proper in the circumstances of the case.”

2. Heard Sri B.Sasibushan Rao, learned counsel, appearing for the petitioner and learned Government Pleader for Home, appearing for the respondents.

3. When the matter is called, a preliminary objection with regard to maintainability of the writ petition is taken by the learned Government Pleader stating that the aspect of alleged improper investigation and the final report cannot be agitated by way of writ petition under Article 226 of the Constitution of India, in view of the availability of alternative remedy under the provisions of Civil Procedure Code. In view of the same, this Court does not find any merit in the writ petition.

4. For the aforesaid reasons, Writ Petition is dismissed, however, liberty is given to the petitioner herein to avail the remedies, if any, in accordance with law.

5. Miscellaneous petitions pending consideration, if any, in the Writ
Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

24.06.2016
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