

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.25158 of 2012

ORDER:

This writ petition was filed alleging that the petitioner purchased a tractor bearing registration No.AP-15-TB-1968 in the name of his wife. He obtained permission from the concerned authorities for transportation of sand by the tractor and paid the requisite fee also. While so, respondents 3 and 4 demanded the petitioner and other sand transporters to pay illegal gratification amount of Rs.5,000/- each every month, failing which they would seize the vehicles and implicate them as accused. On that, the petitioner along with other sand transporters lodged a complaint before respondent No.2 on 05.03.2012. After receipt of the complaint, respondents 3 and 4 bore personal grudge and deputed a police constable and Village Sunkari and they prevented the petitioner to transport the sand. In that connection, he submitted an application through his wife on 20.06.2012 to the Assistant Director of Mines and Geology, Karimnagar with regard to nature of land in Survey Nos.997 and 998 whether it is a patta land or a Government land. Thereafter the wife of petitioner submitted another application to the respondents 3 and 4 asking for call details of the persons, who complained to them. On receipt of the same, respondents 3 and 4 directed the wife of petitioner to appear before them on 30.07.2012. She accordingly appeared, but she was sent back asking her to send the petitioner on 02.08.2012. On the said date, the petitioner along with his wife went to respondent No.3 Police Station where the respondents 3 and 4 beat the petitioner in front of his wife. In the said incident, the petitioner sustained injuries and he was treated in Aditya Orthocare Hospital. He submitted a written representation on 03.08.2012 to the respondents 1 and 2 about the said incident requesting them to take

necessary action. When no action was taken, the present writ petition was filed.

Respondent No.2 filed a counter stating that pursuant to the complaint dated 03.08.2012 filed by the petitioner, the complaint was endorsed and forwarded to the Sub-Divisional Police Officer, Huzurabad Division to conduct an enquiry and submit a report. Accordingly, the Sub-Divisional Police Officer, Huzurabad Division conducted a detailed enquiry and submitted a report on 20.08.2012. It was found that the allegations levelled against the respondents 3 and 4 were false and hence, no action was taken. A copy of the enquiry report submitted by the Sub-Divisional Police Officer, Huzurabad Division was filed along with counter. It states as follows:

“In this regard I have personally enquired into the allegations and it is revealed that the Gudepu Thara, who is the wife of petitioner has sent application through register post to the SI of Police, Veenavanka, CI of Police Veenavanka by seeking information regarding mode of information i.e. written, oral, cell message and cell phonic message dated: 08-06-2012 passed to Mines & Geology department Karimnagar about illegal sand dumps in S.No.997, 998 BC colony of Challur village. Due to which the SI of Police Veenavanka and CI of Police, Jammikunta have served notices to the applicant Gudepu Thara on 29-07-2012 to appear before SI of Police Veenavanka on 30-07-2012 at 1000 hours to collect information as requested under RTI Act-2005, but she deviated the notice and not came to the Police Station. On which the SI of Police, Veenavanka prepared reply enclosed herewith and sent the same through PCs 2946, 433, where the PCs went to Challur village and called the village servants namely 1. Neduri Sadaiah, 2. Neduri Odelu and 3. Neduri Kanukaiah, all of them went to the house of Gudepu Thara on 04-08-2012 and handed over the information under proper dated acknowledgement, the PCs also obtained the signatures of above village servants on acknowledged copy. Further the village servants stated that the Gudepu Balaiah, who is the husband of RTI applicant was present in the house and nothing found any injuries or illness to him.”

In view of the above enquiry, the relief sought for by the petitioner cannot be granted.

In the result, this Writ Petition is dismissed. No order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.RAMALINGESWARA RAO, J

16.02.2016

MVA