

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

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WRIT PETITION No.21987 of 2011

Between:

Shaik Abdul Kalam Azad

....Petitioner

and

State of Andhra Pradesh,
Rep.by its Principal Secretary to Home Department,
Secretariat, Saifabad, Hyderabad,
And others.

....Respondents

JUDGMENT PRONOUNCED ON : 23.02.2016

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgments?
2. Whether the copies of judgment may be : No
Marked to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to : No
see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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ORDER:

The petitioner was an agriculturist initially and later on he was elected as Upa Sarpanch of Ramakrishnapuram Gram Panchayat during the period from 2003 to 2008. He was again elected as Upa Sarpanch in the year 2008 and continued as such till 2013. He was the Honourary President of Rickshaw Owners and Drivers Association and also Vice President of Dudekula Community Organisation. He also functioned as the Vice President of INTUC of Prakasam District. He is the member of Mythri Association associated with the Police Department. While so,

when a rowdy sheet was opened against him, he filed the present Writ Petition challenging its continuance.

A counter affidavit was filed by respondent Nos.4 and 5 stating that the petitioner was involved in nine crimes and out of the nine crimes, he was facing trial in only one case. The rowdy sheet was opened on the orders of the then Sub Divisional Police Officer, Chirala, Prakasam District, dated 15.09.1989 and it was closed on 07.01.2001. After closure of the rowdy sheet, he was again involved in crimes in the years 2006, 2007 and 2011. The rowdy sheet was opened on the basis of the inspection notes of the higher officers on 02.05.2011 and it is being continued till today.

When the case was adjourned for getting instructions, learned Government Pleader obtained the latest instructions showing ten cases against the petitioner, out of which only in one case in C.C.No.167 of 2011, is facing trial. In rest of the nine cases, either he was acquitted or he was bound over for good behavior. In spite of the same, the Sub Divisional Police Officer instructed the learned Government Pleader to submit to this Court that the petitioner is actively participating in political activities and agitations on behalf of his political party. He is running a chicken stall at Ramakrishnapuram and actively participating in the political movements. It is, ultimately, stated that if the rowdy sheet is closed, there is every possibility of continuing his rowdy activities with the support of the political leadership and cause breach to the peace and tranquility.

If the petitioner is the member of political party and involves himself in the political activities, it cannot be called as rowdy activities. The third respondent should strictly go by the Andhra Pradesh Police Manual in continuing the rowdy sheet. It is evident from the instructions submitted by the learned Government Pleader that the petitioner is facing trial in C.C.No.167 of 2011, which was registered under Sections

506 and 509 of IPC. In the absence of his involvement in other crimes as on today, it is incumbent upon the third respondent to review the situation.

In the circumstances, this Writ Petition is disposed of directing the third respondent to consider the case of the petitioner in the light of the Police Standing Orders contained in the Andhra Pradesh Police Manual, and pass appropriate orders in accordance with law, within a period of two months from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

23.02.2016

vs