

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 25979 of 2011

Order:

This Writ Petition was filed seeking a direction to the respondents 1 to 3 to provide security to the petitioner to attend the case in OS No.71 of 1999 on the file of V Additional District Judge, Rajahmundry, till the conclusion of the proceedings in the said suit.

2. The case of the petitioner is that there are several cases pending between him and his family members and OS No.71 of 1999 is one amongst them. There is a threat to his life in Rajahmundry and, though he filed Transfer CMP No.26 of 2008 before this Court for transfer of OS No.71 of 1999 from the file of V Additional District Judge, Rajahmundry, to any other Court in Visakhapatnam or Vijayawada, the said application was dismissed with an observation that it is open to the petitioner to apply for necessary protection before the competent authority. Against the said order, the petitioner states that he went to the Supreme Court and the Supreme Court issued notices to all the parties. Since there was no stay of trial, the trial Court is going ahead with the trial and he sought the above relief in the present Writ Petition.

3. The third respondent filed a counter stating that OS No.71 of 1999 was a suit filed by the petitioner for partition and separate possession of his share and the life threat to the petitioner was denied. It is stated that after taking charge as Inspector of Police on 29.04.2015 the third respondent made confidential enquiries and came to know that there is no threat to the petitioner from any corner. It was also stated that the petitioner did not approach the third respondent with regard to alleged threat. He further stated that the petitioner is a rowdy sheeter vide history sheet No.959/2000, dated 29.12.2000 of Prakashnagar Police Station, Rajahmundry Urban District, and the

rowdy sheet was continued up to 31.12.2015. The petitioner is facing trial in SC No.100 of 2010 and Non-Bailable Warrants are pending in five other cases. The request of the petitioner for police protection is nothing but delaying the trial of criminal proceedings.

4. It is clear from the averments made in the counter affidavit of the third respondent that in spite of observation by this Court to approach the competent authority in case of threat, the petitioner did not approach. In the circumstances, this Court is not inclined to grant the relief, but gives liberty to the petitioner to submit appropriate representation to the competent authority, who shall consider and dispose of the same in accordance with law.

5. The Writ Petition is, accordingly, dismissed subject to above observation. However, in the circumstances, no costs.

6. As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A.
Date: 14.03.2016
Nsr

RAMALINGESWARA RAO, J.