

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.24731 of 2015

ORDER:

The prayer of the petitioner in this case is as under:

“That this Honourable Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction declaring the action of the Respondents 2 to 4 in opening a rowdy sheet in the name of the Petitioner, as arbitrary, illegal and violation of the right to freedom guaranteed under the Constitution of India and consequently quash the same and pass such other order or orders as the Hon'ble Court may deem fit and proper in the interest of justice.”

2. Pleadings being complete, learned Assistant Government Pleader was directed to produce the record in relation to continuance of the rowdy sheet opened in the name of the petitioner. The record was accordingly placed before this court. Perusal thereof reflects that acting upon the letter dated 31.12.2015 of the Inspector of Police, Malkajgiri Police Station, the Assistant Commissioner of Police, Malkajgiri Division, Cyberabad, Telangana, passed an order on 02.01.2016 stating thus:

‘Permitted to retain sheet till 31.12.2016.’

3. Sri D.Prakash Reddy, learned senior counsel appearing for Sri Peri Prabhakar, learned counsel for the petitioner, would contend that out of the 15 cases registered against the petitioner, only two remain but despite the same, no reasons have been recorded by the authorities concerned as to why they are still continuing with the rowdy sheet.

4. Learned Assistant Government Pleader would however contend that after the filing of the counter affidavit, the petitioner was involved in two more crimes viz., Crime No.515 of 2015 and Crime No.5 of 2016 and, therefore, there is evident need for

continuance of the rowdy sheet in his name.

5. As the order dated 02.01.2016 relating to continuance of the rowdy sheet in the name of the petitioner till 31.12.2016 is completely bereft of reasons, this Court is of the opinion that in terms of the relevant Standing Orders and the law laid down by this Court in ***K.Suresh Babu v. Superintendent of Police***^[1], the police authorities are required to pass a detailed order as consequences of maintenance of a rowdy sheet would be detrimental to the person in whose name such rowdy sheet is being maintained.

6. The Writ Petition is accordingly disposed of directing the police authorities to consider the matter afresh and pass reasoned orders, duly taking into account the relevant Standing Orders as well as the law laid down by this Court. This exercise shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of a copy of the order and the final decision taken by the police authorities shall be communicated to the petitioner.

Pending miscellaneous petitions, if any, shall stand dismissed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

March 23, 2016

LMV

^[1] 2015(6) ALT 556