

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION Nos.41591 and 38248 of 2015

COMMON ORDER:

These two cases are being disposed of by this common order as they are filed by the same petitioner.

2. W.P.No.38248 of 2015 was filed by the petitioner challenging the action of the respondents 3 and 4 when they threatened to open a rowdy sheet and coerce the petitioner to part with the property in his possession and enjoyment in Sy.No.149/1 situated at Jammu Narayanapuram village, Vizianagaram Mandal, Vizianagaram District.

3. When the said writ petition is pending, the respondents opened a rowdy sheet. The same was challenged in W.P.No.41591 of 2015. The said rowdy sheet was opened at the instance of Sub-Divisional Police Officer, Vizianagaram who granted permission, on 23-11-2015, on the proposal submitted by the Sub-Inspector of Police, Vizianagaram Rural Police Station, on the ground that the petitioner was involved in one Security Case and seven (7) Criminal Cases during the last fourteen (14) years. In their counter filed on behalf of respondents, the 3rd respondent stated that the petitioner was involved in eight (8) Criminal Cases since 1991. But as could be seen from the reply affidavit filed by the petitioner none of the cases are pending as on the date of opening of the rowdy

sheet except Crime No.21 of 2014. The said case was also referred to the Lok Adalath and a compromise was recorded on 12-01-2016 before the Lok Adalath in Case No.06 of 2016. Thus, it is obvious that when a single case was pending a rowdy sheet was opened against the petitioner without having regard to the Police Standing Orders applicable with regard to the opening of rowdy sheet.

4. The rowdy sheet cannot be opened as a matter of course on the report submitted by the lower level officials without application of mind. Hence, the 3rd respondent in W.P.No.41591 of 2015 is directed to review the case of the petitioner by taking into consideration the law laid down by this Court from time to time and the applicable Police Standing Orders and pass appropriate orders within a period of four (4) weeks from the date of receipt of a copy of this order.

5. These writ petitions are accordingly disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in the Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

February 15, 2017

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