

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.21499 OF 2017

ORDER:

It is a case where the petitioner complains with respect to the continuation of rowdy sheet opened against him in 2005. The petitioner had made a detailed representation dated 06.01.2017 to the 5th respondent as well as to the 2nd and 3rd respondents-the Commissioner of Police, Hyderabad City and the Assistant Commissioner of Police, Falaknuma Division on 19.12.2016.

A counter affidavit has been filed by the 4th respondent along with a copy of Notice of Intimation, dated 16.03.2017. The Notice of Intimation, dated 16.03.2017, discloses that the petitioner's application dated 06.01.2017 has been rejected by the 5th respondent. As pointed out by the learned counsel for the petitioner that though the Notice of Intimation has been made on 16.03.2017, there is no justifiable reason or explanation given for having been dispatched the same through RPAD on 08.07.2017, that is almost after a period of four months and it may be noted that the present Writ Petition came to be filed on 29.06.2017. In those circumstances, this court has no hesitation to come to the conclusion that the Notice of Intimation dated 16.03.2017 is antedated. Further, in terms of the A.P. Police Manual and the A.P. Police Standing Orders, it is the Sub Divisional Police Officer or Assistant Commissioner of Police shall alone will be entitled to take a decision with respect to the closure of the rowdy sheet. In the present case, Inspector of Police not being SDPO or the concerned ACP, the Notice of Intimation, dated 16.03.2017, itself is without jurisdiction. In the circumstances, this Writ Petition can

be disposed of with a direction to the 3rd respondent to take into consideration of the submission made by the petitioner and keeping in view of the law laid down in innumerable number of cases and take a decision with respect to the desirability, need and necessity of the continuation of rowdy sheet and such exercise shall be completed without four weeks from the date of this order.

With the above observation, the writ petition is disposed of. There shall be no order as to costs.

Consequently, Miscellaneous Petitions pending, if any, shall stand closed.

Date:30.08.2017
Ssv

JUSTICE CHALLA KODANDA RAM

