

*THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

+Writ Petition No.25857 of 2017

%Date: 04/08/2017

#Between:

Smt M.Anasuya.

... Petitioners

AND

The State of Telangana, rep. by its Principal Secretary, Home
Department, Secretariat, Hyderabad and others.

.....Respondents

! Counsel for Petitioner : Sri M.M.M.Srinivasa Rao

^Counsel for Respondents 1 to 5 : G.P. for Home (TG)

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? Cases referred



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HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.25857 of 2017

ORDER:

Petitioner states that her son viz. Dr.Santosh Kumar, who was a doctor, died under suspicious circumstances at Yashoda Hospital while undergoing treatment. On the complaint made by respondent No.6, wife of the deceased, respondent No.5 (Station House Officer, Market Police Station, Mahankali Division, Hyderabad) registered FIR No.3 of 2017 for the offence under Section 174 Cr.P.C. Thereafter, case diary was transferred to respondent No.4 (PS Suryapet-I Town Police Station) on 18.01.2017. Petitioner, however, suspects involvement of respondent No.6 (wife of the deceased) for the death of the deceased. Writ Petition is filed alleging inaction of respondent No.4 in proceeding with investigation despite complaint dated 23.01.2017 against respondent No.6. The petitioner, however, contends that she is not provided updated information in FIR No.3 of 2017.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Home (TS).

3. The prayer of the writ petitioner looks very innocuous and, in normal circumstances, this Court would have directed the learned Government Pleader to get instructions with regard to the status of investigation,

however, sitting in admission Court, and disposing of the case, this Court observed that a large number of cases of this nature are coming up before this Court, in effect, what this Court is required to do is, seek instructions from the learned Government Pleader who, inturn, would report the status of investigation and making it as part of the record, the writ petitions are being disposed of. In other words, though a writ of mandamus is prayed effectively, what this Court is required to do is get the information from the respondent – authorities and pass on to the petitioner by way of an order. In as much as the petitioner has a very effective alternative remedy, it is open to her to avail the remedy under the Act and seek necessary information from the respondent – authorities which she seeks to obtain through the medium of Court. When an effective alternative remedy is available, this Court shall not normally exercise jurisdiction under Article 226 of the Constitution of India.

4. In the writ affidavit, there is no averment that the petitioner had approached respondent – authorities seeking status of investigation or the stage at which investigation had stalled or being proceeded with. Even assuming that the petitioner had approached the respondent – authorities and they have not responded, she has right to approach the authorities under the Right to Information Act, 2005 (the Act) where the designated Public Information Officer is

required to furnish necessary information within the time stipulated, state the reasons and the information that is required to be furnished on which queries are put. If no information is provided within the stipulated time, right of appeal is provided under the Act. In case, the information provided is not adequate, it would also give further opportunity to seek clarification.

5. Accordingly, writ petition stands disposed of. Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

CHALLA KODANDA RAM, J

Date: 04.08.2017
LR copy to be marked (Yes/No)
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