

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 28109 OF 2017

O R D E R:

This Writ Petition has been filed seeking a *mandamus* to declare the action of the respondents 3 to 9 in harassing the petitioners, who are acting as polling agents of the contesting candidates of Y.S.R Congress Party for 139-Nandyal Assembly constituency elections scheduled to be held on 23.8.2017, by illegally detaining/arresting without there being any crime registered against them, as illegal and arbitrary.

It is the case of the petitioners that they are all election agents appointed in terms of Section 40 of Representation of Peoples Act, 1950 read with Conduct of Election Rules, 1961. Petitioners allege that the respondent police are harassing them as they belong to the opposition party and there is every possibility of the petitioners arrested and thereby preventing the petitioners from acting as polling agents.

Learned Government Pleader for Home (A.P) submits that the writ petition has been filed as an anticipatory measure and as a matter of fact a large number of cases have been registered against the 22 petitioners out of 41 petitioners. She also placed on record the written instructions dated 22.08.2017 received from the Additional Superintendent of Police (Ops), Nandyal Camp at Kurnool & SDPO, Nandyal.

Having considered the respective submissions, as on date except the cases mentioned in the written instructions, there are no other cases registered against the petitioners. So far as the cases mentioned in the list is concerned and considering the fact that the cases have already been registered, the petitioners shall be at liberty to take necessary steps and likewise the respondents are also entitled to enforce the law in terms of the appropriate Code. In the written instructions, it has been denied that there is any attempt to arrest or detain the petitioners and to see that they shall not be functioning as polling agents. It is asserted that there is no basis for the petitioners to apprehend that they would be

arrested. However, the apprehension has been expressed by the respondent-authorities that the petitioners are likely to create law and order problem which may result in breach of peace on 23.08.2017.

As rightly contended by the learned counsel for the petitioners that it shall be always open for the respondent authorities to take appropriate action in the event of there being any breach of peace and the respondent-police shall be entitled to enforce the disciplinary measures in exercise of their power and in discharging of their duty.

In those circumstances and considering the written instructions submitted by the learned Government Pleader for Home, the writ petition is disposed of leaving it open to the respondent-authorities to take action to prevent any breach of peace however by following due process of law. It is also made clear that petitioners shall not be prevented from discharging their duty as polling agents except where it is warranted and such action shall be strictly in accordance with law.

The Writ Petition is accordingly, disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

Date:22.08.2017
Issue CC by today. B/o.Gk

CHALLA KODANDA RAM, J

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Gk

