

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.29724 OF 2017

Date 05.09.2017

Between:

Smt Devasothu Ravi Bai.

..... Petitioner

AND

The State of A.P, rep. by its Principal Secretary, Home
Department, Secretariat, Amaravathi, Guntur and others.

.....Respondents



HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 29724 OF 2017

ORDER:

This Writ Petition is filed seeking a *mandamus* declaring the action of respondent No.2, in interfering with the possession of the petitioner of an extent of Ac.1.14 cents and Ac.0.77 cents in Sy.Nos.187/3 and 190/2 respectively of Brundavanam Village, Mundlamur Mandal, Prakasam District, at the instance of respondent No.3, as being illegal and arbitrary.

Heard the learned counsel for the petitioner.

Learned Government Pleader for Home (AP), on instructions, denies interference of police with respect to the petitioner's land.

It is time to observe that day in and day out, this Court is flooded with Writ Petitions of the present nature and complaints are being lodged with the Superintendent of Police/Commissioner of Police against the Station House Officers concerned alleging that they are interfering with the civil disputes and in that connection, detaining one party illegally, at the instance of the other. Normally, in such cases, when this Court issues notice, the police officials have been giving instructions denying the allegations made against them. Though there is no order, in writing, seeking their appearance before the police station, out of fear, the

petitioner, for that matter, the other citizens are constrained to attend the respective police station. In this scenario, this Court takes judicial note of these aspects occurring on daily basis.

As a matter of fact, the Apex Court in 2006 itself, while rendering judgment in ***Prakash Singh v Union of India***¹, made certain recommendations and directed them to be binding on the State Governments. A learned Judge of this Court also considered the subject issue, in detail, in Writ Petition No. 14072 of 2016 and batch. After taking notice of the judgments of the Supreme Court, the learned Single Judge *vide* judgment dated 27.04.2017, had directed to implement the ruling rendered in ***Prakash Singh's*** case, the operative portion of which reads as under:

“In view of the above legal position, these Writ Petitions are disposed of directing the Principal Secretaries to Governments, Home Departments of Telangana and the Andhra Pradesh to constitute a ‘State Security Commission’ and a ‘Police Complaints Authority’ as directed by the Supreme Court in ***Prakash Singh***, by co-opting the Member Secretary of the State Legal Services Authority of the concerned States as Member of the State Security Commission and the Secretary of the District Legal Services Authority as a Member of the Police Complaints Authority at the District Level. Since more than a decade has passed after the Supreme Court issued directions and there is an urgent need to create a mechanism for redressal of the

¹ (2006) 8 SCC 1

grievances of the public in respect of police actions, the “State Security Commission” and the “Police Complaints Authority” shall be constituted as expeditiously as possible not later than three months from the date of receipt of a copy of this order and on such constitution, the complaints of the petitioners in the above three writ petitions, shall be sent to the State Security Commission for further action since there was failure on the part of the Superintendents of Police concerned in taking action by investigating into the complaints. On constitution of such Commission and Authority, wide publicity shall be given in the print and electronic media in order to educate the general public.”

In that view of the matter, since the State is yet to take steps, as directed by this Court, in terms of **Prakash Singh’s** case, the Superintendent of Police, Prakasam District, shall initiate necessary disciplinary action, if warrants against respondent No.2.

It may also be noted that the petitioner shall be entitled to seek injunctive relief against respondent No.3 and respondent No.2 in his *eo nomine* capacity. He also can seek damages against individual, who is officiating as respondent No.2. Once the civil action is initiated against the individuals, they are required to approach the civil Court and defend themselves and justify why the damages should not be awarded against them. In that way, an effective check can be put against the individuals who are officiating and abusing their office.

Subject to above, the Writ Petition is disposed of. No costs.

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

CHALLA KODANDA RAM, J

Dt:05.09.2017
usd

