

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 28073 OF 2017

ORDER:

The relief sought for in this Writ Petition is to declare the action of respondent No.2, in interfering with the petitioner's property of an extent of Ac.0.10 gts. in Sy.No.30/A and Ac.0.17 gts. in Sy.No.138/A of Chegomma Village, Kusumanchi Mandal, Khammam District, having acquired through gift deed, as also interfering with the civil disputes between her and respondent Nos.3 and 4, as illegal and arbitrary.

Learned Government Pleader for Home (TS) had placed before this Court the written instructions from the Station House Officer, Kusumanchi Police Station, Munagala, Nalgonda District (respondent No.2) stating that respondent No.4 lodged a complaint with police on 22.04.2017 against one Bolli Konda Veeraiah stating that, on account of land disputes between her and her brother-in-law regarding the subject land, she filed civil suit and obtained a decree in her favour; later, she had purchased Ac.0.60 gts. and, without giving the said site, her brother-in-law is threatening her; therefore, she filed complaint which was registered in GD diary, vide No.416 on 22.04.2017; and he never interfered with the civil disputes between the petitioner and respondent Nos.3 and 4.

In 2006, the Apex Court 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

¹ (2006) 8 SCC 1

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 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 2nd respondent Superintendent of Police (Rural), Guntur District, with whom the petitioner lodged a complaint against the 5th respondent Station House Officer *on-line* on 15.05.2017, shall initiate necessary disciplinary action, if warrants against the latter.

It may also be noted that the petitioner shall be entitled to seek injunctive relief against Respondents 6 to 8 and the 5th respondent Station House Officer in his *eo nomine* capacity. He also can seek damages against the individual, who is officiating as the 5th respondent. Once the civil action is initiated against the individual, he is required to approach the civil Court and defend himself and justify why the damages should not be

awarded against him. 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.”

In view of the order in the aforesaid Writ Petition, this Writ Petition is also disposed of, in terms thereof. No costs.

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

CHALLA KODANDA RAM, J

Dt:24.08.2017
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