

HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No. 129 OF 2016

ORDER :

This writ petition is filed seeking to declare the high-handed action of the respondents 5 and 6, who threatened with dire consequences and gave warnings to the petitioner, as he applied for some information under Right to Information Act, as illegal, arbitrary and un-constitutional and violation of fundamental rights guaranteed under the Constitution.

2. The brief facts of the case are that the petitioner, Mr.Kotha Siva Kumar son of Ramaiah is a activist of RTI Act [Mandal Convener of Samachara Hakku Prachara Ikkya vedika]. He filed the present writ petition against the respondents 1 to 7 i.e., the Principal Secretary [Home Department] and other Police Officials stating that the respondents 5 and 6, i.e., Inspector of Police, Athamakur Circle, Kurnool district and Station House

Officer, Athmakur Police Station [Town], Athmakur, Kurnool district have threatened him with dire consequences if he apply for the information with regard to the complaint lodged by him on 17/8/2015 under the Right to Information Act. The petitioner has given an application under Right to Information Act on 09/12/2015 seeking information with regard to his complaint. On that it appears that the respondents 5 and 6 have threatened the petitioner with dire consequences, therefore, the petitioner is before this Court seeking writ of mandamus to declare the high-handed action of the respondents 5 and 6 as illegal, arbitrary and un-constitutional.

3. Heard Sri G.L. Narasimha Rao, learned counsel for the petitioner and the learned Assistant Government Pleader for Home.

4. The learned counsel for the petitioner submits that the petitioner has lodged a complaint before the Police with regard to the fake passbooks issued by the retired officials of Revenue

Department at the instance of Mr.Dandugula Ramnaiah over the land in survey No. 358/2 and survey No.358/3 for an extent of Acs: 3-55 cents.

5. It is the case of the petitioner that Mr.Dandugula Ramanaiah has created fake passbooks to grab the property with the help of retired Revenue Officials and in that regard the petitioner wanted to take action against them. It is further submitted that the Police did not take action, he filed an application under Right to Information Act, seeking information with regard to the complaint lodged by him and the action taken by them. In that regard, the respondents 5 and 6 appears to have threatened him with dire consequences, therefore, he sought the relief in this writ petition seeking protection against the high-handed and illegal action of the respondents 5 and 6.

6. On the other hand, the learned Assistant Government Pleader for Home submits that the alleged complaint dated 17/08/2015 has not been received by the respondent No.6. It is

further submitted that on 29/12/2015 the Station House Officer, Athmakur Police Station, Kurnool district received the complaint of Mr.Dandugula Ramanaiah through the Superintendent of Police, Kurnool district, vide C.No.2235/CCC/GD/SP-Camp/15, dated 21/12/2015 for necessary action. In the said complaint, it was mentioned that the complainant is the owner and possessor of the land in survey No. 358/2, survey No. 358/3, admeasuring Acs:3-55 cents, situated at Siddapuram village, Athmakur Mandal, Kurnool district that the petitioner and others tried to take away the crops worth of Rs.1,30,000=00 therefore, the complainant requested the police to take action in the matter. It is submitted in the written instructions filed by the Sub-Inspector of Police, Athmakur Police Station that the Sub-Inspector of Police had enquired into the matter. He visited the said land and during the course of enquiry it was revealed that there was a civil dispute between the petitioner and the complainant, since the dispute is of civil in nature, he suggested the complainant and the petitioner to

approach the civil court for redressal. It is further stated in the written instructions that the respondents 5 and 6 have not threatened the petitioner with dire consequences and they have discharged their legitimate duties, and that they have never interfered with the civil dispute between the petitioner and complainant, Mr.Dandugala Ramanaiah, in respect of the subject land in survey No. 358/2 and survey No. 358/3, admeasuring Acs:3-55 cents, situated at Siddapuram village, Athmakur Mandal, Kurnool district.

7. In this regard, the petitioner has submitted an application under Right to Information Act on 09/12/2015 requesting to take action against Mr.Dandugula Ramanaiah, as he had created all fake documents pertaining to revenue records, in respect of the land in survey No. 358/2 and survey No. 358/3, situated at Siddapuram village, Athmakur Mandal, Kurnool district. It is further stated that Mr.Dandugala Ramanaiah has filed an I.A.No. 213 of 2015 in OS.No. 83 of 2015 on the file of the Court of Junior Civil Judge,

Athmakur, and the said application was said to have been dismissed. On 09/01/2016, the respondent No.6 had sent reply to the petitioner stating that the disputed land belongs to the Government, and the Tahsildar is the competent authority to lodge the complaint against the creation of alleged fake documents by the miscreants. It is further stated that the allegation of the petitioner that on 21/12/2015, the respondents 5 and 6 called the petitioner to the police station and threatened with dire consequences is false.

8. The learned Assistant Government Pleader submits that the respondents 5 and 6 are discharging their legitimate duties and as the matter is of civil nature they have directed the petitioner and Mr.Dandugula Ramanaiah to approach the Civil Court for redressal, and that the Tahsildar concerned is the competent authority to lodge a complaint against the miscreants in respect of creating false documents. The respondents have not committed any offence of threatening the petitioner with dire consequences,

if he asks for the information under the Right to Information Act about the F.I.R.

9. Having regard to the facts and circumstances of this case, it is obvious that Mr.Dandugula Ramanaiah is not a party in this writ petition. The grievance of the petitioner against the respondents 5 and 6 that they are threatening with dire consequences, as he has asked about the stage of investigation, and about the complaint lodged by him. It is further submitted that the complaint dated 02/7/2015 filed Mr.Dandugula Ramaniah has been investigated and a report was submitted by the Superintendent of Police, Kurnool district. It is submitted that the information sought for by the petitioner under Right to Information Act has been furnished to him and that the Police are not threatening the petitioner for seeking information under Right to Information Act.

10. Having regard to the facts and circumstances and in view of the submissions made by the learned Assistant Government

Pleader for Home that the police are not threatening the petitioner with dire consequences for seeking information under the Right to Information Act, this writ petition is closed. No costs.

11. As a sequel, miscellaneous petitions if any, pending in this writ petition stands disposed of.

JUSTICE GUDISEVA SHYAM P RASAD



HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD



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