

HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No. 3286 OF 2016

ORDER :

This writ petition is filed for a writ of mandamus by the petitioners for a direction to the respondents 4 to 7 not to call for the petitioners and the staff members to the Police Station during odd hours and make them to wait from morning to evening without there being any case registered against them.

2. The learned counsel for the petitioners is not present and there is no representation on their behalf, and therefore, the matter is disposed of on merits by hearing the arguments of the learned Assistant Government Pleader for Home.

3. The contents of the affidavit filed by the petitioners reveal that the first petitioner is a society registered under the Societies Registration Act under the name of “SNOW” [Society of Nobel Oath and Welfare], a Non-Governmental Organization. It maintains educational centres, reading centres, library for the benefit and also for up-liftment of women. It takes up developmental projects for women folk in rural areas. Respondent No.8/NABFINS is a licensed Non-Banking Financial Company under the Reserve Bank of India Act, 1934. It advances loans and

financial help to the self-help groups. It appointed first respondent as its business correspondent and entered into an agreement dated 30/3/2013 with him for business correspondent-ship. The first petitioner assured payment of 1% of commission.

4. The petitioner is a NGO. As a business correspondent, it shall only function as a collection agent. It shall not be supplied with any copies of documents, depicting the acknowledgement of the loan by the SHGs. In the month of November 2015, there were heavy rains in Chittoor and other surrounding districts. Many Self Help Groups have been benefited by availing the loans. However, they are bound to repay monthly instalments to the first petitioner; but they defaulted in payment of the instalment due to various reasons.

5. The petitioners allege that respondents 4 to 7 summoned them and their staff on 22/1/2016 during odd hours at the instigation of respondents 8 and 9, which forced the petitioners to file this writ petition.

6. The learned Assistant Government Pleader for Home submits that on verification of records in the Office of the Superintendent of Police, Chittoor district as well as the records of the Station House Officers, Sodam Police Station, Chowdepalli Police Station and Somala Police Station, they have not received

any complaint or representation dated 21/1/2016 from the respondents 8 and 9. Therefore, it is submitted that the respondents 4 to 7 have not summoned the petitioners and their staff on 22/1/2016 at the instigation of respondents 8 and 9.

7. Having regard to the nature of allegations in the petitioners affidavit and in view of the fact that this Court has granted interim orders which reads as under :

“As it is stated by Sri Gangaiah Naidu, learned Senior Counsel appearing for the petitioners that the police authorities are harassing the petitioners and their staff despite the fact that no crime has been registered, there shall be a direction to the respondent police authorities not to interfere with the petitioners or their staff unless their presence is required in the context of any criminal investigation and even if so, to strictly follow the procedure laid down by law.”

and it is the petitioners, who have produced some material in respect of their grievance.

8. In fact, the petitioner is a society of Noble Oath and Welfare, represented by its Secretary, M. Vanitha, They are aggrieved by the actions of the police in calling them to the Police Station and making them to sit from morning till evening on the pretext of investigation. Therefore, they are before this Court seeking a direction to the Police not to interfere in civil matters.

9. In fact, the respondent No.4 has filed counter denying the Police summoning the petitioner and their staff for investigation at the instance of respondents 8 and 9, it is submitted that the respondent No. 8 'NABARD' Financial Services Limited and respondent No. 9 its District Manager have not filed any complaint against the petitioners nor they influenced the Police to take action against them to settle the civil disputes between the parties.

10. In fact, there is no material on record to show that respondents 8 and 9 have influenced respondents 4 to 7 for calling them to the Police Station in the name of investigation. The petitioner, however, has filed his affidavit, but the mere affidavit is not sufficient to come to any conclusion about the allegations made therein. In similar manner, the respondent No.4 filed counter-affidavit stating in Para 7 and 9 that the allegations made by the petitioner are baseless and far from truth. It is nothing but oath against oath.

11. However, it is obvious that this Court has already granted interim orders in this writ petition directing the respondents 4 to 7 not to summon the petitioners to the Police Station without there being any complaint received against them from any person.

12. As a matter of fact, the writ petition was filed in the year 2016, and the interim order was granted as soon as the writ petition was fled. The petitioners have not brought any other instance except the incident alleged to have occurred in the year 2016. Therefore, the interim order passed by this Court has worked out and the same is made absolute, since no grievance is brought to the notice of this Court either by the petitioner or by the respondents subsequent to passing of the interim orders.

13. With the above direction, the writ petition is disposed of. No costs.

14. As a sequel, miscellaneous petitions if any, pending in this writ petition stand closed.

JUSTICE GUDISEVA SHYAM PRASAD.

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