

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.11848 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“..to issue any Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in continuing the rowdy sheet against the petitioner in Aliperi Police Station, Tirupati is illegal, arbitrary, unconstitutional and violation of Art.14 & 21 of Constitution of India and consequently direct the respondents to close the rowdy sheet against the petitioner in Aliperi Police Station, Tirupati and pass such other order or orders may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of the learned counsel for the petitioner and of learned Government Pleader for Home (A.P.) appearing for the respondents. I have perused the material record.

3. At the hearing, learned counsel for the petitioner would submit that all the cases registered against the petitioner ended in acquittal after full fledged trial; that the petitioner made a representation, dated 08.12.2017, to the second respondent for closure of the rowdy sheet opened against him *vide* No.177 on the file of the fourth respondent police station; and, that for non-consideration of the said representation, the present writ petition is filed.

4. The learned Government Pleader for Home has produced before this Court an unsigned copy of the counter affidavit on behalf of the respondents, and submitted that Crime Nos.25 of 2012, 146 of 2012, 264 of 2013, 69 of 2014, 123 of 2014 and 20 of 2015 were registered against the petitioner under various penal provisions by the Station House Officer, Alipiri Police Station; that in view of the involvement of the petitioner repeatedly in several cases and his indulgence in unlawful activities causing breach of peace in the area, it has become necessary to keep a watch on his activities and, therefore, the rowdy sheet was opened; that the rowdy sheet was renewed, on 02.01.2018, by the Sub Divisional Police Officer, Tirupati East; that in view of the conduct of the petitioner, the contention of the learned counsel for the petitioner that the fundamental rights of the petitioner are being affected by continuation of rowdy sheet, is untenable and the writ petition is not maintainable.

5. Learned counsel for the petitioner, in reply, would submit that if a direction is given to the second respondent to consider and dispose of the representation, dated 08.12.2017, of the petitioner in accordance with the procedure established by law, the ends of justice would be met.

6. Having regard to the submissions, the writ petition is disposed of directing the second respondent to consider and dispose of the afore-stated representation of the petitioner, as expeditiously as possible, after taking note of the

circumstances as on date while arriving at considered decision in the matter in strict accordance with the procedure established by law. The petitioner is also reserved liberty to file explanation along with supporting documents, if any, within two weeks from today along with a copy of this order before the second respondent to enable him to do the needful in the matter.

7. This Court has no reason to doubt that as and when such explanation/representation is filed by the petitioner, the second respondent would examine it in the light of the law laid down by this Court in W.P.No.4688 of 2012, which was disposed of on 16.03.2017, and the precedents of this Court in ***Sunkara Satyanarayana v. State of Andhra Pradesh***¹ and ***B. Satyanarayana Reddy v. State of Andhra Pradesh***². It is made clear that the exercise as indicated in this order shall be completed within four months from the date of receipt of a copy of this order. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

M. SEETHARAMA MURTI, J

Date: 10.04.2018
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¹ 2000 (1) ALD (CrL.) 117 (AP)

² 2004 (1) ALD (CrL.) 38 = 2004 (2) ALT (CrL.) 115