

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.11822 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 an order or direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondent authorities herein in not considering the representation dated 9.2.2018 submitted by the petitioner for closing the rowdy sheet bearing No.55 opened against the petitioner on the file of the 4th respondent Police Station as arbitrary, illegal, against the principles of natural justice and violative of articles 19, 21 and 300A of Constitution of India and consequently to direct the respondent authorities to consider the representation of the petitioner dated 9.2.2018 and close the rowdy sheet No.55 opened against the petitioner and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

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 09.02.2018, to the second respondent for closure of rowdy sheet bearing No.55 opened against him 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 filed on behalf of the respondents, and submits that Crime Nos.49 of 1994, 33 of 1998, 98 of 1999, 13 of 2007 and 210 of 2015 were registered against the petitioner under various penal provisions by the Inspector of Police, III Town and I Town Police Stations, Proddatur; 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 is renewed, on 23.01.2018, by the Sub Divisional Police Officer, Proddatur; 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 09.02.2018, 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