

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.14473 of 2018

ORDER:

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

“For the reasons stated in the accompanying affidavit the petitioners herein pray that this Hon’ble Court may be pleased to issue writ, order or direction, more particularly one in the nature of writ of mandamus declaring the action of the respondents 2 to 4 in opening and continuing a rowdy sheet in No.454/2007 on the file of Police Station, Rajahmundry III Town (L&O), East Godavari District as illegal, arbitrary and violative of fundamental rights guaranteed under the Constitution of India and contrary to the Andhra Pradesh Police Standing Orders and also the principle of law reported in various decisions consequently directing the respondents to close the same and till such time not to insist the petitioner to attend the police station and pass such other order or orders as this Hon’ble Court may deem fit proper in the circumstances of the case.”

2. I have heard the submissions of Sri *S.Siva Bhami Reddy*, learned counsel for the petitioner, and of the learned Government Pleader for Home (A.P.) appearing for the respondents 1 to 4. I have perused the material record.

3. At the hearing, learned counsel for the petitioner would submit that the petitioner is a petty businessman and that the

Crime No.308 of 2006, which gave raise to Sessions Case *vide* S.C.No.57 of 2009, ended in acquittal after full fledged trial and that except the said crime registered in the year 2006, which eventually ended in acquittal, no case is pending against the petitioner and that subsequently, the petitioner was not involved in any offence and that only because of the former crime, a rowdy sheet was opened in the year 2007 *vide* No.454 of 2007, on 26.10.2007, and the said rowdy sheet has not been closed despite his acquittal in the Sessions Case and that for the last seven (07) years, he is being called to the Police Station on the ground that the rowdy sheet is pending and that he made several oral representations for closure of the rowdy sheet and that recently also, he gave a representation, dated 21.03.2018, for closure of the rowdy sheet and that for non-consideration of the said representation, the present writ petition is filed.

4. Learned Government Pleader for Home submits that due to the involvement of the petitioner repeatedly in unlawful activities and 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 and that 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 21.03.2018, of the petitioner, in accordance with 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 a considered decision in the matter, in strict accordance with procedure established by law. The petitioner is also reserved liberty to file explanation along with supporting documents, if any, within two (02) 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 three (03) 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: 24th April, 2018

KL

¹ 2000 (1) ALD (CrI.) 117 (AP)

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

84

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI



WRIT PETITION No.14473 of 2018

Date: 24th April, 2018

KL

