

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.20453 OF 2018

ORDER :

This writ petition is filed challenging the action of the respondents 2 to 4 in continuing the Rowdy Sheet No.1 of 1998 against the petitioner and consequential endorsement dated 06.07.2018, issued by the 2nd respondent rejecting the representation of the petitioner for closing of Rowdy Sheet.

Learned counsel for the petitioner submits that though all the crimes registered against the petitioner ended in acquittal and though this Court gave direction to the respondents to consider the representation of the petitioner in WP.No.3518/2015, without considering the same the respondents passed the impugned endorsement which is not at all a speaking order; and that the same is in violation of natural justice. He further submits that after acquittal in criminal cases the petitioner was not involved in any other cases. More so, he is not even well.

On the other hand learned Assistant Government Pleader for Home basing on the counter submits that the petitioner acquitted in the some crimes and compromised in some crimes; that his activities are prejudicial to the maintenance of public order and affecting peace and tranquillity in the area; and that the victims are not coming forward to give complaint against him on account of threat from him; and therefore, the Rowdy Sheet against the petitioner is being continued strictly in accordance with law and as per the provisions of A.P.Police Manual.

In this case it is to be seen that the impugned order is not a speaking order indicating as to what are the reasons for continuing Rowdy Sheet against the petitioner. Only on that ground the impugned order is liable to be set aside. Though the respondents filed counter affidavit giving reasons, the said reasons are not stated in the impugned order. The impugned order cannot be supported by giving reasons in the counter affidavit as held by the Hon'ble Supreme Court in the judgment reported in **Mohinder Singh Gill v. the Chief Election Commissioner, New Delhi**¹, wherein it is held as follows:

“The second equally relevant matter is that when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise.”

In view of the same, the impugned endorsement dated 06.07.2015 is set aside only on the ground of violation of principles of natural justice and the competent authority is directed to reconsider the issue and pass orders in accordance with law.

Accordingly, the writ petition is disposed of. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

09.07.2018
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¹ (1978) 1 Supreme Court Cases 405

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