

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.28608 of 2018

ORDER:

In the present writ petition, challenge is to the action of the Respondent Police authorities in not deleting the name of the petitioner herein from Rowdy Sheet.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Home, appearing for Respondents.

3. According to the petitioner, he is a businessman and residing at Ramnagar, Hyderabad. It is submitted by the learned counsel for the petitioner that the Respondent authorities opened a rowdy sheet against the petitioner herein contrary to law. It is further contended by the learned counsel for petitioner that the questioned action is highly illegal, arbitrary, unreasonable, violative of Articles 14 and 21 of the Constitution of India, besides being opposed to the very spirit and object of the Police Standing Order 601. It is the further submission of the learned counsel that in the absence of necessary ingredients of PSO 601, opening of Rowdy Sheet against the petitioner cannot be sustained. It is the further submission of the learned counsel that there is no conviction so far against the petitioner

4. On the contrary, it is submitted by the learned Government Pleader that there is absolutely no illegality nor there exists any infirmity in the impugned action and in the absence of the same, the petitioner herein is not entitled for any indulgence of this Court under Article 226 of the Constitution of India. It is also the submission of the learned Government Pleader that in view of involvement of the petitioner in criminal cases, his activities are required to be watched by continuing the rowdy sheet against him.

5. The provisions pertaining to opening of Rowdy Sheet against the citizens are penal in nature, as such, strict adherence to the mandatory requirements of the said provisions of law is essential and indispensable. Unless the necessary ingredients are present, the police authorities shall not open Rowdy Sheet against an individual, otherwise the same offends his constitutional right under Articles 14 and 21 of the Constitution of India. While invoking the provisions of PSO 601 for opening of Rowdy Sheet lot of care and caution and circumspection are required to be observed and Rowdy sheet cannot be opened in a mechanical and routine manner. Before opening the Rowdy Sheet, it is obligatory on the part of the Police authorities to verify as to whether necessary ingredients of Police Standing Order 601 exist or not. While dealing with PSO 601, this Court in *M.Malla Reddy v. State of Telangana and others*¹ at paragraph 10 held as under:

“Rowdy sheet cannot be opened in a mechanical, routine and cavalier manner and more care and caution and circumspection is required to be observed for opening of the rowdy sheet as the same undoubtedly touches the personal liberty of the citizen and has a considerable impact on the fundamental rights as enshrined under Chapter III of the Constitution of India. The State and its instrumentalities are the custodians of the statutory and constitutional rights of the citizens. Parliament and the State legislature render the laws, keeping in view the betterment and welfare of the people and the parties functioning under the State laws have the holy and sacred obligation to discharge their duties keeping in view the object and intention behind the said laws made by the legislature. Any deviation and breach of the same would render the actions invalid and void. The actions of the authorities should necessarily be in the direction of creating and strengthening the confidence of the people in the system, lest anarchy prevails, which would never be in the interest of the democratic system which is guided by the rule of law. Every action of the authorities should be in consonance with the basic structure of the

¹ 2016(1) ALD (CrL.) 591

Constitution of India which is the dream of the founding fathers of our magna carta. The action which is under challenge in these writ petitions is required to be examined and adjudicated in the light of the above issues.”

6. Therefore, having regard to the submissions of the learned counsel for the petitioner and the learned Government Pleader for Home, this Court deems it appropriate to dispose of the writ petition, leaving it open to the petitioner to submit appropriate application/representation before the Police authorities for redressal of his grievance, within a period of (10) days from the date of receipt of this order, and if any such representation is made by the petitioner, the same be verified and appropriate action be taken strictly in accordance with law, within a period of six weeks thereafter, keeping in view the observations made supra. It is also open for the petitioner to enclose a copy of this order along with the representation.

7. The writ petition is accordingly disposed of. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 24.12.2018
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI



W.P.No.28608 of 2018

24.12.2018

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