

THE HON'BLE SRI JUSTICE P.KESHA VA RAO

WRIT PETITION No.30730 OF 2015

ORDER:

Heard the learned counsel for the petitioner and learned Government Pleader appearing for the respondents 1 to 6.

The prayer sought for in the writ petition is as under:

“to issue an appropriate writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the Respondent No. 7 and 8 in filing false counter affidavits in W.P. Nos. 14839 of 2015 and 10890 of 2015 to prejudice the mind of this Hon'ble Court though the petitioner is not accused in many cases closed by prosecution for lack of evidence and in some cases acquitted by the trial court to suppress the petitioner's growth as a Scheduled Community leader and political leader in Prakasam District and making attempts to eliminate the petitioner by encountering and also the action of Respondents NO. 3 to 5 in not taking action to the letter vide Lr. Rc. No. S2/2639/PKM/SC/2015 dated 28-05-2015 as illegal, arbitrary and unconstitutional and consequently direct the respondent No. 3 to 5 to conduct enquiry into the matter by registering crime against the Respondent No. 7 and 8 and to direct the Respondent No. 1 to pay damages of Rs.50,00,000/ for the pain and suffering that the petitioner underwent .”

The specific case of the petitioner is that respondents 7 and 8 have filed false counter affidavits in W.P.Nos.14839 and 10890 of 2015 to prejudice the mind of this Court though the petitioner is not accused in many cases and that they are attempting to eliminate the petitioner by encounter apart from the allegation that the respondents 3 to 5 are not taking action pursuant to the letter vide Lr.No.S2/2639/PKM/SC/2015, dated 28-05-2015.

The respondents 2 to 6 filed a counter affidavit denying the allegations made in the affidavit filed in support of the writ petition

and contended *inter alia* that due to oversight, a mistake was occurred in the counter affidavit filed in W.P.No.10890 of 2015 in mentioning the crime numbers. It was only a typographical error. As far as Writ Petition No.14839 of 2015 is concerned, it is specifically denied that at the instigation of Local Member of Legislative Assembly, the respondents-police tried to eliminate the petitioner. It is also denied that the respondents-police threatened the petitioner to withdraw the F.I.R. It is further mentioned that the respondents-police have no intention at any point of time to eliminate the petitioner by the alleged encounter.

Having regard to the facts and taking into consideration the averments made in the counter affidavit, for which, no reply affidavit is filed, this Court is of the opinion that no further orders are required in the writ petition.

Accordingly, the writ petition is closed. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

P.KESHA VA RAO,J

06th DECEMBER 2018.

Tsr