

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

WRIT PETITION NO. 45272 OF 2018

ORDER:

The action of the respondents in not closing the rowdy sheet opened against the petitioner herein is under challenge in the present Writ Petition.

2. Heard the learned counsel for the petitioner and learned Government Pleader for Home for the respondents.

3. According to the petitioner, he is doing private service and he was implicated in a false case prior to 2007. As a result of the same, a rowdy sheet was opened on the file of the 4th respondent. It is his further case that even though there has never been any involvement of the petitioner in any crime since then, the respondent authorities are continuing the rowdy sheet opened against him. It is further stated that the petitioner's daughter is studying M.Pharmacy course and his son is studying B.Com. Because of the continuation of the rowdy sheet against the petitioner herein, the entire family is facing mental agony.

4. According to the learned counsel for the petitioner, the impugned action is highly illegal, arbitrary, violative of Articles 14 and 21 of the Constitution of India. Further, in the absence of any ingredients of Police Standing Order No.601, there is no

justification on the part of the respondent police authorities to continue the rowdy sheet against the petitioner herein.

5. On the other hand, it is submitted by the learned GP that neither there is any illegality nor there exists any infirmity in the impugned action.

6. The provisions pertaining to opening of rowdy sheet against an individual are penal in nature. Therefore, strict adherence to the provisions of law is mandatory. Unless necessary mandates of Police Standing Order No.601 are present, a rowdy sheet cannot be opened in a routine manner.

7. In the instant case, according to the petitioner herein, he made a representation to the respondents including the 3rd respondent competent authority on 11.10.2018, but no action has been taken on the said representation so far. In view of the same, the petitioner is sustaining irreparable loss.

8. Taking into consideration the nature of controversy in the present Writ Petition, this Court deems it appropriate to dispose of the Writ Petition by directing the 3rd respondent to verify the representation dated 11.10.2018 submitted by the petitioner and take appropriate action/pass appropriate orders strictly in accordance with law and the Police Standing Order No.601 as observed supra, as expeditiously as possible,

preferably within four weeks from the date of receipt of a copy of this order.

9. The Writ Petition is disposed of accordingly.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

A.V.SESHA SAI,J

Date: 13.12.2018

KPM

