

HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.36916 of 2013

ORDER:

Heard the learned counsel for the petitioner and the learned Standing counsel appearing for the 2nd respondent.

The prayer sought in the writ petition is as follows:

“... to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus to declare the action of the respondents No.1 and 2 are not considering the representation dated 21.10.2013 submitted by the petitioner for taking necessary action against the 3rd respondent who is having disproportionate assets, as being illegal, arbitrary, unilateral and constitutional, and consequently direct the respondents herein to conduct enquire into the matter and to take appropriate action against the 3rd respondent herein.”

The 2nd respondent filed a counter affidavit. In the said counter affidavit it is stated that on receipt of the complaint/report dated 21.10.2013 from the petitioner, he conducted discrete enquiry. During the course of enquiry, it was revealed that the 3rd respondent was working as Deputy Executive Engineer in HMDA, Tarnaka, Hyderabad. In fact, she joined in service as Surveyor in the year 1985. Later, she was promoted as Assistant Engineer in the year 2003 and as Deputy Executive Engineer in the year 2007. In fact, the husband of the 3rd respondent was working as Assistant Manager in Reserve Bank of India, Hyderabad. The 3rd respondent and her husband were drawing salary of Rs.40,000/- and 70,000/- per month respectively after deductions. They were blessed with two sons. The eldest son after completing M.S., is working in Software company and

staying with his family in New Jersey, U.S. The second son, after completion of MCA, worked in WIPRO and he has been working in Deloitte Company in Hyderabad as a Software professional. The wife of the second son i.e., the daughter-in-law of the 3rd respondent filed the present writ petition. In the discrete enquires it is found that the 3rd respondent and her husband were in a position to save Rs.5 lakhs per annum since 2003 which on conservative estimate comes to Rs.25 lakhs by that time which would be sufficient to acquire the properties mentioned therein. That apart, their both sons are also earning and independently leading their lives. After the marriage of the petitioner with the second son of the 3rd respondent, some differences arose between the petitioner and her in-laws. As a result of which the petitioner was forced to file a complaint against her husband, the 3rd respondent herein and her husband in the year 2011. Pursuant to the said complaint a case in Crime No.231 of 2011 for the offences under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act was registered at Women Police Station, Saroor Nagar, Hyderabad. The said case was pending before the learned XIV Metropolitan Magistrate, L.B. Nagar, Hyderabad. The second son of the 3rd respondent also filed a petition vide O.P.No.1250 of 2011 seeking divorce against the petitioner which is pending consideration before the Family Court, City Civil Court, Hyderabad. The petitioner also filed a domestic violence case before the learned III

Metropolitan Magistrate, Hyderabad, in the year 2012 vide DVC.No.230 of 2012. During the discrete enquiries it is also revealed that the 3rd respondent is enjoying good reputation in her organization and nothing adverse has come out to the notice of the 2nd respondent. In those circumstances, the 2nd respondent has not registered any case against the 3rd respondent.

In that view of the matter, this Court is of the opinion that there are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

Miscellaneous petitions, if any, shall also stand dismissed.

Date: 01.10.2019.
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P. KESHAVA RAO, J