

HON'BLE SRI JUSTICE P.KESHAHA RAO

W.P.No.11010 of 2013

ORDER:

Heard the learned counsel for the petitioner as well as learned Government Pleader for Home appearing for the respondent Nos.1 and 2.

2. The prayer sought in this Writ Petition is as under:

“.....to issue Writ of Mandamus declaring the action of the respondent Nos.1 and 2 in not taking any action against the unofficial respondents pursuant to the complaint dt.28-01-2013 and 01-04-2013, as being illegal and arbitrary and consequently direct the respondent Nos.1 and 2 to forthwith act upon the complaint dt.28-01-2013.”

3. The main allegation made in the affidavit filed in support of the Writ Petition is that in spite of submitting complaints dt.28-01-2013 and 01-04-2013, respondent Nos.1 and 2 have not taken any action against respondent Nos.3 to 7.

4. Learned Government Pleader for Home appearing for respondent Nos.1 and 2 placed on record the written instructions dt.28-07-2017 issued by the S.H.O., Metwada police station and the said instructions would reveal that the Metwada police station did not receive the said complaint till date. The material filed along with the Writ Petition is having the stamp of another police station but not Metwada police station.

5. In the light of the said specific contention that the representations dt.28-01-2013 and 01-04-2013 are served on the 2nd respondent, but there is no endorsement. However, learned counsel for the petitioner submitted that the copy was marked to SHO, Metwada police station.

6. It is relevant that mere marking of copy to the SHO, Metwada police station, does not indicate that it is sent and served on the 2nd respondent. Even the representation dt.01-04-2013 filed in the material papers also would not indicate that the said representation is served on the 1st respondent. Unless the petitioner files proper proof of service before this Court that the representations dt.28-01-2013 and 01-04-2013, the petitioner cannot expect any orders from this Court. In the written instructions, the SHO, Metwada police station has specifically stated that they have not received the complaint as on the date of issuance of instructions.

7. In these circumstances, this Court is of the opinion that there are no merits in the Writ Petition and the same is liable to be dismissed.

8. Accordingly, the Writ Petition is dismissed. However, the liberty is given to the petitioner to file a fresh complaint before the respondent Nos.1 and 2 with proper acknowledgment. On such application, the respondent Nos.1 and 2 are directed to look into the

contents of the same and initiate appropriate action as per law. No costs.

9. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE P.KESHA VA RAO

Date: 27-09-2019

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