HIGH COURT OF ANDHRA PRADESH: AMARAVATI

CHIEF JUSTICE J.K. MAHESHWARI
AND
JUSTICE J. UMA DEVI

WRIT APPEAL No.377 of 2020

(Through Video Conferencing)

Kommu Eswara Rao, S/o.Suryanarayana ... Appellant

Versus

State of Andhra Pradesh, rep. by its Principal Secretary, Social Welfare Department, A.P.Secretariat, Velagapudi, Amaravathi, Guntur District, and others ... Respondents

Counsel for the appellant : S.V.Indira

Counsel for respondent No.1 : G.P. for Social Welfare
Counsel for respondents 2, 4 to 7: G.P. for Home
Counsel for respondent No.3 : G.P. for Revenue
Counsel for respondent No.5 : K.Vijaya Kumar
Counsel for respondents 8 & 9 : -

ORAL JUDGMENT

Dt:24.12.2020

Per J.K. Maheshwari, CJ

Being aggrieved by the order dated 09.10.2020 passed by the learned single Judge in W.P.No.18315 of 2020, this appeal, under clause 15 of the Letters Patent, has been preferred by the writ petitioner. The learned single Judge by a common order dismissed the above writ petition along with a batch of writ petitions.

2. Learned counsel for the appellant/writ petitioner has placed reliance on the judgment of the Supreme Court dated 01.01.2019 in *Union of India v. State of Maharashtra* (Review Petition No.228 of 2018 in Crl.A.No.416 of 2018).

3. On the other hand, learned Government Pleader for Home appearing on behalf of the respondents-authorities has relied upon the common order dated 24.11.2020 passed in W.P.No.14324 of 2020 and

batch, wherein, at para 10, the Court has considered the fact that as per Section 14 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the special court is having power to take cognizance on the private complaint if any filed by the complainant.

4. After hearing counsel for the parties, the short question that arises for consideration is whether the dismissal of writ petition by the learned single Judge on the pretext of taking recourse by filing private complaint, is as per law or not.

5. It is settled law that if any complaint is submitted to the police station and though the same is acknowledged, the officer concerned is not taking any action, recourse as permissible under Section 200 Cr.P.C., may be taken by the aggrieved party. Insofar as the cases relating to the offences under the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are concerned, to which there is special police establishment, the officer concerned shall acknowledge the complaint and in case he refuses to acknowledge, the same be sent by registered post and thereafter the aggrieved party may take recourse before the special judge under the said Act by filing private complaint, on which the Judge shall follow the procedure as prescribed and pass appropriate orders in accordance with law.

6. In view of the foregoing discussion, appellant/writ petitioner is at liberty to submit complaint to the special police establishment concerned and on failure to acknowledge the complaint, the same may be sent by registered post and recourse may be taken before the special Judge under the Act by filing private complaint, on which the Judge shall follow the procedure as prescribed and pass appropriate orders in accordance with law.

7. Subject to the above, the writ appeal stands disposed of. No order as to costs. As a sequel, all the pending miscellaneous applications stand closed.

J.K. MAHESHWARI, CJ **J. UMA DEVI, J**

MRR