

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

WEDNESDAY, THE SIXTH DAY OF MAY
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO: 6662 OF 2020

Between:

1. Kakarla Sai Venkata Nagar Sudhakar, S/o Kakarla Baia Gangadhar Rao, aged 43 years, Occ Business, R/o Flat No.505, Block-B, Aditya Eden. Park, Nallagandla, Serilingampally, Hyderabad-500019.
2. Smt. Kalluri Kavitha, W/o late Kalluri Sudhakar, aged 44 years, Occ Household, R/o 3446 MIG PHASE-2, Vidyut Nagar Road No.5, BHEL, Ramachandrapuram, Cyberabad.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad, Telangana State.
2. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat, Velagapudi, Amaravathi, A.P.
3. The Director General of Police, Telangana State, Lakdi-ka-pool, Hyderabad.
4. The Director General of Police, Andhra Pradesh at Tadepalle-522302.
5. The Commissioner of Police, Cyberabad at Gachibowli, Telangana State.
6. The Commissioner of Police, Vijayawada, Krishna District.
7. The Superintendent of police, Krishna District at Englishpalem, Reserve Police Quarters, Machilipatnam, Andhra Pradesh

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the Respondent No.3 to 7 in not issuing the Covid-19 Emergency Vehicle Pass to the Petitioner No.1 to travel to Yaddanapudi village, Movva Mandal, Krishna District in Andhra Pradesh to bring his child namely Baby Kakarla Sahitha Chowdary, aged 13 years and the children of Petitioner No.2 namely Baby Kalluri Hasitha Chowdhary, 11 years and Baby Kalluri Deekshitha Chowdhary, aged 9 years respectively back to Hyderabad is highly arbitrary, illegal, unconstitutional and contrary to the rules framed under Covid-19 Emergency Vehicle Pass rules and consequently direct the respondent Nos. 3 to 7 to issue Covid-19 Emergency Vehicle Pass to Petitioner No.1 to travel to Yaddanapudi village, Movva Mandal, Krishna District in Andhra Pradesh in his own Car bearing No.TS-15ES-8055 to bring back his and the children of Petitioner No.2 named above to their respective houses of Petitioner No.1 & 2 situated at Cyberabad in Telangana State in the interest of justice

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent Nos. 3 to 7 to issue Covid-19 Emergency Vehicle Pass to the Petitioner No.1 to travel to Yaddanapudi village, Movva Mandal, Krishna District in Andhra

Pradesh in his own Car bearing No.TS-15ES-8055 to bring the Petitioners children namely Baby- Kakarla Sahitha Chowdary, aged 13 years, Baby Kalluri Hasitha Chowdhary, 11 years and Baby Kalluri Deekshitha Chowdhary, aged 9 years respectively, back their respective houses situated at Cyberabad in Telangana State in the interest of justice

Counsel for the Petitioner: SRI P. SHIV KUMAR

Counsel for Respondent Nos. 1, 3 & 5: AGP FOR HOME

Counsel for Respondent Nos. 2, 4, 6 & 7: SRI P. GOVIND REDDY,
GOVERNMENT PLEADER

The Court made the following:

ORDER:

“The present writ petition is filed under Article 226 of the Constitution of India for issue of a writ of mandamus declaring the action of respondent Nos.3 to 7 in not issuing Covid -19 emergency vehicle pass in respect of vehicle bearing registration No. TS - 15 - ES - 8055 to bring back the children of the Petitioner No.1 and No.2, as highly arbitrary, illegal, unconstitutional and contrary to the Rules framed under Covid – 19 Emergency Vehicle Pass Rules with a consequential relief of directing respondents to issue vehicle pass to the Petitioner No.1 to travel to Yaddanapudi village, Movva Mandal, Krishna District, to bring back the children.

2. The above writ petition is filed through e-filing and is taken up for hearing today through video conferencing.

3. Heard learned Counsel appearing for the petitioners and learned Assistant Government Pleader for Home and Sri P. Govind Reddy, learned Government Pleader for respondent Nos.6 and 7.

4. Learned Counsel for the petitioners submits that the petitioners are residents of Hyderabad and Petitioner No.1 has travelled to Yaddanapudi village in Krishna District on 20.03.2020 along with his family viz., children of Petitioner No.1 and petitioner No.2, who is

none other than the sister-in-law of the petitioner No.1, in his personal vehicle, where his aged parents are residing to attend to a family ritual. It is claimed that the petitioner had to return to Hyderabad immediately on 22.03.2020 to attend to some urgent domestic work and thus left the children under the care and custody of the petitioners' parents i.e., the grand parents of the children of the petitioner and intended to go back during Ugadi festival to bring back the children with him. It is claimed that on account of National lockdown announced by the Government of India from 24.03.2020, the petitioner could not travel to his parents house in Krishna District for Ugadi festival and since then the children are with his parents and have developed home sickness. Further, it is also claimed that, since the parents of the petitioner are aged, they are also not in a position to keep the grand children engaged for long to ensure the children do not feel homesick. Further, it is also stated that the mental condition of the children is affecting drastically due to home sickness.

5. Learned Counsel for the petitioner also submits that he has made an application for issue of travel pass to the respondent Nos.6 and 7 on 24.04.2020 and followed up by a reminder on 29.04.2020. It is stated that in response to the said request made by the petitioner to the respondent Nos.6 and 7, the said authority claims to have replied to the petitioner stating that *"your requisition is not allowed as per the guidelines. Inconvenience is regretted."*

6. By drawing attention of this Court to an e-mail dated 24.04.2020 addressed to the 5th respondent i.e., Commissioner of Police, Cyberabad, for issuance of emergency vehicle pass, the learned Counsel for the petitioner states that the 5th respondent directed the petitioner to contact on phone number given and the e-mail I.D.

provided. Learned Counsel for the petitioner submits that upon receiving the said e-mail on 25.04.2020, the petitioner sent an e-mail on 29.04.2020 to the said e-mail ID provided and till date, no emergency vehicle pass has been issued to enable the petitioner to travel to Krishna District to bring back his children.

7. Sri P. Govind Reddy, Learned Government Pleader for the State of Andhra Pradesh representing respondent Nos.6 and 7 would submit that the request of the petitioner could not be considered, as such vehicle passes are being issued only for emergencies like that of death of family member and medical emergency of the concerned individual along with credible proof of such emergency. Since the ground on which the petitioner has sought for a permission for issue of emergency pass does not fall within the said emergency, the authorities did not consider the same.

8. Learned Assistant Government Pleader for Home appearing for respondent Nos.1 to 5 submits that, though the petitioner claimed to have travelled on 20.03.2020 in his own vehicle along with his children to Krishna District in the State of Andhra Pradesh and having returned back, leaving the children in the custody of the grand parents i.e., the petitioners parents, no proof of such travel on the date as claimed by the petitioner is filed to support and substantiate the claim e.g., in the form of toll receipts en-route and also the proof of school IDs to establish the children were studying in Hyderabad.

9. Learned Assistant Government Pleader for Home also submits that, since the petitioner is seeking for issue of an emergency vehicle pass for an interstate movement, the appropriate authority would be the Director General of Police, the 3rd respondent in the present Writ Petition to whom the petitioner is required to make an application.

Learned Assistant Government Pleader for Home submits that in the material papers filed into this Court along with the writ petition, there is no such proof of filing an application with the 3rd respondent. Learned Assistant Government Pleader for Home would also submit that on account of the guidelines issued by the Ministry of Home Affairs, Government of India, vide Order No. 40-3/2020-DM-I(A) dated 29.04.2020 with regard to movement of people stranded in different locations, particularly involving interstate movement, Nodal officers of the rank of Secretary and Addl. DGP, have been appointed by the State of Telangana, and the petitioner can approach and make an application to the said authority. Learned Assistant Government Pleader for Home submits that if the petitioners make/files such an application, the authorities would consider the same in accordance with the guidelines issued and the procedure laid down for issue of emergency vehicle pass for interstate movement.

10. Having given due consideration to the submissions made by the learned Counsel appearing for the respective parties, it is seen that though it is claimed by the petitioner of having travelled on 20th March, 2020 to his parents place in Krishna District and having dropped the children thereat and returning to Hyderabad immediately on 22.03.2020, there is no material placed before this Court to support or substantiate the above said claim as rightly contended by the learned Counsel for the respondents. However, considering the fact that the Ministry of Home Affairs after taking note of the difficulties being faced by the people who are stranded at different places, has issued the new guidelines on 29.04.2020 applicable in respect of migrant workers, students and tourists etc., permitting such people to return to their homes and the State of Telangana having notified the Nodal Officers in terms of the above guidelines who are authorized and

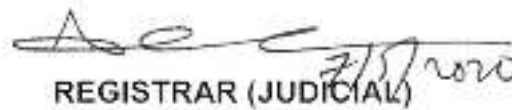
empowered to consider such application / requests received, the petitioners herein are permitted to approach the concerned authority by making necessary application seeking issue of vehicle pass for inter-state movement during the present lockdown. Upon the petitioners making such an application to the authority concerned, the authority shall consider the same, by causing due verification of the genuineness of the claim and act in accordance with the guidelines framed for allowing movement of people by issue of necessary pass / permit, subject to mandatory conditions that are required to be adhered to by the concerned during travel and upon completion of travel as per MHA guidelines dated 29.04.2020.

11. Subject to the above observation, the Writ Petition is disposed of.
No order as to costs.

12. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

Sd/- SRI JUSTICE T. VINOD KUMAR

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REGISTRAR (JUDICIAL)


SECTION OFFICER

To,

1. The Principal Secretary Home Department, State of Telangana, Secretariat Hyderabad, Telangana State.
2. The Principal Secretary Home Department, State of Telangana, Secretariat Velagapudi, Amaravathi, A.P.
3. The Director General of Police, Telangana State, Lakdi-ka-pool, Hyderabad
4. The Director General of Police, Andhra Pradesh at Tadepalle-522302.
5. The Commissioner of Police, Cyberabad at Gachibowli, Telangana State.
6. The Commissioner of Police, Vijayawada, Krishna District.
7. The Superintendent of police, Krishna District at Englishpalem, Reserve Police Quarters, Machilipatnam, Andhra Pradesh
8. One CC to Sri P Shiv Kumar Advocate [OPUC]
9. Two CCs to GP for Home, High Court for the State of Telangana (OUT)
10. Two CCs to Sri P. Govind Reddy, Government Pleader, High Court of Andhra Pradesh (OUT)
11. Two CD Copies

MBC

HIGH COURT

TVK,J

DATED: 06/05/2020



ORDER

WP.No.6662 of 2020

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS