

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

TUESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO: 11354 OF 2020

Between:

1. Amireddy Venkat Reddy, S/o.Seetha Reddy, Aged about 58 years, Occ. Business, R/o.H.No.5-59, Chityala Village and Mandal, Nalgonda District.
2. Amireddy Vajramma, W/o.Amireddy Venkat Reddy, Aged about 53 years, Occ. Housewife and Business, R/o.H.No.5-59, Chityala Village and Mandal, Nalgonda District.
3. Amireddy Karunakar Reddy, S/o.A.Venkat Reddy, Aged about 30 years, Occ. Business, R/o.H.No.5-59, Chityala Village and Mandal, Nalgonda District.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Director General of Police, Telangana State at Hyderabad.
3. The Divisional Superintendent of Police, Nalgonda, Nalgonda District.
4. The Circle Inspector of Police, Nakrekal (Rural), Nalgonda District.
5. The Station House Officer, Kattangur Police Station, Nalgonda District.

...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 order or direction particularly one in the nature of Writ of Mandamus declaring the action of the respondents 3 to 5 herein in threatening the petitioners with dire consequences and pressurizing the petitioners to withdraw the complaint registered as Crime No.174/2019 on the file of Nalgonda II Town Police Station which was filed by the 1st petitioner and Crime No.175 of 2019 on the file of Nalgonda II Town Police Station, which was filed by the 2nd petitioner and also to withdraw the suit in OS.No.74 of 2019 on the file of the IV Addl. District and Sessions Judge, Nalgonda filed by the 1st petitioner and also suit in OS.No.75 of 2019 on the file of Special Court for SC/ST (POA) Act cum Addl. District Judge, Nalgonda which is filed by the 2nd petitioner, both the suits are pending before the concerned courts and the 3rd respondent herein sending police constables to the petitioners house regularly as illegal, arbitrary unconstitutional and consequently direct the respondents 3 to 5 not to interfere with life and liberty of the petitioners

without due process of law, to release the VAN (Ashok Leyland) bearing No.TS 05 UD 1372 belongs to the 3rd petitioner.

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 5th respondent to release the VAN (Ashok Leyland) bearing No.TS 05 UD 1372 belongs to the 3rd petitioner, pending disposal of the writ petition.

Counsel for the Petitioner: SRI SOMAVARAPU SATYANARAYANA

Counsel for the Respondents: AGP FOR HOME

The Court made the following: ORDER

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO.11354 OF 2020

ORDER:

The present writ petition is filed under Article 226 of the Constitution of India to declare the action of respondent Nos.3 to 5 herein in threatening the petitioners with dire consequences and pressurizing the petitioners to withdraw the complaint registered as Crime No.174 of 2019 on the file of Nalgonda II Town police station filed by the 1st petitioner and Crime No.175 of 2019 on the file of Nalgonda II Town police station filed by the 2nd petitioner and also to withdraw the suit in O.S. No.74 of 2019 on the file of IV Additional District & Sessions Judge, Nalgonda filed by the 1st petitioner and also the suit in O.S. No.75 of 2019 on the file of Special Court for SC/ST POA Act-cum-Additional District Judge, Nalgonda filed by the 2nd petitioner and both the suits are pending before the concerned Courts and the 3rd respondent herein sending police constables to the petitioners house regularly, as illegal, arbitrary, unconstitutional with a consequential direction to the respondent Nos.3 to 5 not to interfere with life and liberty of the petitioners without due process of law to release the Ashok Leyland Van bearing No.TS 05 UD 1372 belonging to the 3rd respondent.

2. The present writ petition is taken up for hearing today, i.e. 04.08.2020, through Video Conferencing.

3. Heard learned counsel for the petitioners and learned Assistant Government Pleader for Home.

4. Learned Counsel for the petitioners reiterates the writ averments.

5. Learned Assistant Government Pleader for Home has forwarded to this Court by e-mail written instructions under the signature of Sub-Inspector of Police, Kattangur police station, Nalgonda District. By the said written instructions, it is stated that on a complaint from one J. Murali, Village Revenue Officer of Chervu Annaram village, Kattangur Mandal wherein it is stated that on 28.07.2020, the said authority found one Ashok Leyland Mini van bearing No.TS 05 UD 1372 stopped in a suspicion manner at the outskirts of Chervu Annaram village at about 17.30 hours and on observation of the vehicle, he found six rice bags of public distribution system rice and on being enquired in the neighbourhood, it has come to his knowledge that the said vehicle belongs to one Ammireddy Karunakar Reddy, the 3rd petitioner in the present Writ Petition, who is carrying on rice mill business and that he used the said vehicle for transporting public distribution rice illegally and sought for registering a case and take necessary action. It is stated that upon receiving the said complaint from J. Murali, Village Revenue Officer, the 5th respondent authority registered a case, vide Crime No.138 of 2020 under Section 420 and Section 7 of Essential Commodities Act and took up investigation in the matter. It is further stated that the investigation is at the initial stage and the 3rd petitioner, is the sole accused in the above crime. It is also stated that the respondent authority upon receiving the above case, seized the vehicle under a cover of panchanama and the steps are also being taken to deposit the said vehicle before the concerned Court by following due process of law. By the said written instructions, in so far as the 1st and 2nd petitioners are concerned, it is stated that they are not at all required in any case registered on the file of Kattangur police.

station. In so far as other averments with regard to petitioners being coerced to withdraw the suits pending before the Court and also the criminal cases filed by the petitioners are concerned, the same are denied. It is also stated that the petitioners no.1 and 2 who are the father and mother of the 3rd petitioner, in order to protect the 3rd petitioner from the case registered against him, has filed the present writ petition by making false allegations against the respondent police authorities.

6. Having regard to the submissions made as above, since it is stated that a case having been registered vide Cr. No. 138 of 2020, wherein the subject vehicle having been seized by the respondent police and also taking note of the submission that steps are also being taken for depositing the subject vehicle before the concerned Court, the petitioners shall take steps to seek release of the vehicle by approaching the concerned Court. In so far as the case registered against the 3rd petitioner is concerned, it is needless to mention that the respondent authority having registered a crime, shall conduct investigation into the above case strictly in accordance with law.

7. Subject to the above observation, the Writ Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

//TRUE COPY//

Sd/-M.MANJULA
ASSISTANT REGISTRAR
SECTION OFFICER

- To,
1. The Principal Secretary, Home Department, State of Telangana, Secretariat, Hyderabad.
 2. The Director General of Police, Telangana State at Hyderabad.
 3. The Divisional Superintendent of Police, Nalgonda, Nalgonda District.
 4. The Circle Inspector of Police, Nakrekal (Rural), Nalgonda District.
 5. The Station House Officer, Kattangur Police Station, Nalgonda District.
 6. One CC to Sri Somavarapu Satyanarayana, Advocate [OPUC]
 7. Two CCs to GP for Home, High Court for the State of Telangana [OUT]
 8. Two CD Copies.

MP

V. [Signature]

HIGH COURT

TVK,J

DATED:04/08/2020



ORDER

WP.No.11354 of 2020

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

(10) VW
6/8/20