

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.4705 of 2014

ORDER:

Heard learned counsel for the petitioner as well as learned Government Pleader appearing for respondent Nos.1 to 3.

2. The prayer sought in the writ petition is as under:-

“...to issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not considering the petitioner's brother's case (namely), Chavvakula Surya Prasad (CT 4098) S/o.Sanjeeva Rao, for remission pursuant to a policy decision taken in Para No. 4 (ix) of GOMS 220 Dated 28.09.2013 as malafide and arbitrary and to set-aside the entire GOMS 220 Dated 28.09.2013 on the ground of it being unconstitutional, arbitrary, illegal, violative of Principles of Natural Justice, politically motivated, contrary to the various Statutory Provisions and Fundamental Rights guaranteed under Article 14, 21 and Article 300-A of the Constitution of India and it is further consequently prayed that this Hon'ble Court may be pleased to direct the Respondent No.1 to forthwith release the petitioner's brother (namely Chavvakula Surya Prasad (CT 4098) S/o Sanjeeva Rao) from the 2nd Respondent Prisoners Agricultural Colony Cherlapalli (Open Air Jail) Ranga Reddy District by considering him on par with other similarly situated prisoners' considered earlier as per GOMS 195 dated 30/06/1995 and other statutory provisions framed thereafter from time to time, which act as precedents, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

3. During the course of hearing, learned Government Pleader brought to the notice of this Court that G.O.Ms.No.220, dated 28.09.2013, is not being followed and the same has been replaced by G.O.Ms.No.38 Home (Legal) Department, dated 28.03.2016.

4. The basic grievance of the petitioner in the present writ petition is that his case is not being considered in tune with para No.4 (ix) of G.O.Ms.No.220, dated 28.09.2013, and the same is malafide, arbitrary and consequently set aside the same on the ground it being

unconstitutional, illegal, violative of principles of natural justice, politically motivated, contrary to the various statutory provisions and fundamental rights guaranteed under Articles 14 and 21 of the Constitution of India.

5. Now, it is brought to the notice of this Court that G.O.Ms.No.220, dated 28.09.2013 is not in force and, therefore, practically the writ petition has become infructuous. However, since the Government have issued fresh orders vide G.O.Ms.No.38 Home (Legal) Department, dated 28.03.2016, the petitioner's case has to be considered in the light of the guidelines framed therein.

6. Accordingly, the writ petition is disposed of directing respondent Nos.1 to 3 to consider the case of the petitioner in compliance with G.O.Ms.No.38 Home (Legal) Department, dated 28.03.2016, and pass appropriate orders within a period of four weeks from today. However, if the petitioner is aggrieved by the orders passed pursuant to G.O.Ms.No.38 Home (Legal) Department, dated 28.03.2016, liberty is given to him to question the same, as per law. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

P. KESHA VA RAO, J

10th January 2020

Note:

Issue C.C. today.

(b/o)

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