
(2001) 03 AP CK 0111

In the Andhra Pradesh High Court

Case No : Writ Petition No. 10150 of 1993

K. Ramakanth and others

APPELLANT

Vs

Government of A.P. and others

RESPONDENT

Date of Decision : 16-03-2001

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2001) 4 ALD 100

Hon'ble Judges : E. Dharma Rao, J

Bench : Single Bench

Advocate : Mr. C.V. Mohan Reddy, for the Appellant; Government Pleader for Home, for the Respondent

Judgement

1. This writ petition is filed seeking a declaration that the action of the 1st respondent in Proceedings Memo No.15879/Pol.D/93-1, dated 26-5-1993 seeking to shift the office of the Sub- Divisional Police Officer, from Bodhan to Banswada as arbitrary and illegal and for a consequential direction not to give effect to the said memo.

2. The petitioners are the prominent persons of Bodhan Town. They state that Bodhan Town has a Municipality since about 50 years and now it has a population of 1,20,000 and is one of the biggest sugar manufacturing complexes in Asia run by Nizam Sugar Factory, a Government of Andhra Pradesh Undertaking. The office of the Revenue Divisional Officer and other important Functionaries of the District are located in Bodhan since the time of Nizam and that there is a Sub-Court, Sub-Treasury Office and the Office of the Divisional Commercial Tax Officer in Bodhan Town and it has also the facility of STD.

3. While so the petitioners came to know through the news paper report that the Sub-Divisional Police Office which has been functioning since about 50 years is sought to be shifted to Banswada initially on temporary basis. According to the petitioners, Banswada is about 30 kms away from Bodhan and has absolutely no facilities and it is only a Gram Panchayat having about 15,000 to 20,000

population and that there was not even a Circle Inspector's Office till a few months back but inspite of lack of infrastructure, the 1st respondent seems to have agreed for shifting the Office of the Sub-Divisional Police Officer from Bodhan to Banswada under the recommendation of the 2nd respondent.

4. It is stated that if the Office of the Sub-Divisional Police Office is shifted to Banswada from Bodhan, the general public of Bodhan Town will be effected as they have to travel about 30 Kms. for any work in Sub-Divisional Police Office. It is alleged that the shifting of the Sub-Divisional Police Office from Bodhan to Banswada is made at the instance of the Congress candidate who contested from Banswada constituency with a view to help him in building up his image. According to the petitioners, the 1st respondent has absolutely no reason to shift the office from Bodhan to Banswada, as no infrastructural facilities are available at Banswada.

5. It is further submitted that as Bodhan is only 15 kms., from Maharashtra Border and it would be advantageous to the respondents to have the said office at Bodhan as it would be easier to monitor the smuggling of timber and rice from Andhra Pradesh to Maharashtra State and to have an effective check on smuggling operations. According to the petitioners the action of the petitioner is politically motivated and is not taken in the interest of the public. It is stated that it at all the respondents wanted a Sub-Divisional Police Officer at Banswada, a separate Sub-Divisional Office could have been created with headquarters at Banswada. The petitioners submit that the shifting of Sub-Divisional Office from Bodhan to Banswada would not only result in grave hardship to the residents of Bodhan Town, but also to the personnel of the Police Department, as no residential accommodation is available at Banswada. Hence they filed the present writ petition.

6. The respondents filed their counter-affidavit stating that the Sub-Divisional Office at Bodhan consists of three circles viz., Bodhan, Banswada and Bichkunda and that the jurisdiction of Banswada and Bichkunda Circles are completely infested with the activities of Left Wing Extremists of CPI (ML) People's War Group, whereas only one Police Station at Vami in the limits of Bodhan Circle is partly effected with their activities and that the other Police Station limits v/z., Bodhan, Yedapally and Kotgir of Bodhan Circle are not at all effected with any kind of extremist activity of Bodhan jurisdiction and they are more or less plain areas.

7. It is further stated that the Office of the Sub-Divisional Officer at Bodhan located at a far off place from the areas of naxal activities, as a result of which it is becoming difficult for the police administration to organise anti-extremist operations on day to day basis. It is stated that Bodhan Town is neither centrally located to the jurisdiction of Bodhan Sub-Division nor it is strategically located for organising the anti-extremist operations. The respondents denied the averment of the petitioners that Bodhan Town is more populated and is centrally located than Banswada Town. According to them, Banswada is bigger and better

than Bodhan from the point of amenities having important Offices and on account of those amenities only the Government of A.P. has created a new Circle office at Banswada to control the law and order and extremist menace effectively. According to the respondents since the Sub-Divisional Office is centrally located at Banswada covering the jurisdiction of the Sub-Division to organize anti-extremist operations effectively, and as no expenditure being involved in shifting the office from Bodhan to Banswada, the Government of A.P. have accepted for shifting of headquarters of the Sub-Divisional Office from Bodhan to Banswada through Memo dated 26-5-1993 and this action is contemplated due to the administrative grounds after careful examination of the merits as mentioned above.

8. With regard to monitoring of smuggling of timber and rice from Andhra Pradesh to Maharashtra through Bodhan, the respondents, state that the Bodhan Town Police Station has got sufficient staff to check and identify the smugglers with over all supervision of Circle Inspector of Bodhan. In view of the above reasons the respondents pray that the writ petition be dismissed.

9. From the facts and circumstances of the case it is evident that as per the proposal submitted by the Director-General and Inspector-General of Police through his letter dated 29-5-1993, the Government after careful examination accepted his proposal and accorded administrative sanction to shift the Headquarters of Sub-Divisional Police Office from Bodhan to Banswada on temporary basis. The said action has been taken to organize anti-extremist operations effectively on day to day basis. Therefore, it cannot be said that the said action of the 1st respondent is illegal. The contention of the petitioners that Banswada is a small town compared to Bodhan Town and that, as there are no infrastructural facilities, the Sub-Divisional Police Office cannot be shifted to Banswada cannot be accepted. When once it is decided to shift the office from Bodhan to Banswada, it is for the Government to provide necessary infrastructure, keeping law and order situation in the Sub-Division is of paramount importance.

10. In J.R. Raghupathy and Others Vs. State of A.P. and Others, , the Supreme Court with regard to location of Mandal headquarters held as follows:

"Government's decision to locate headquarters at a particular places - Interference by High Court on ground of breach of guidelines-not warranted."

11. In the above judgment, the Supreme Court overruled the judgment of a Division Bench of this Court holding as follows:

"Where the High Court interfered with the location of Mandal Headquarters and quashed the notification issued u/s 3(5) on the ground that the Government acted in breach of the guidelines in that one place or the other was more centrally located or that location at the other place would promote general public convenience, or that the headquarters should be fixed at a particular place with a view to develop the area surrounded by it, the decision of the High Court was

liable to be set aside. The location of headquarters by the Government by the issue of the final notification under sub-section (5) of Section 3 was on a consideration by the Cabinet Sub-Committee of the proposals submitted by the Collectors concerned and the objections and suggestions received from the local authorities like the gram panchayats and the general public. Even accepting the recommendations of the Cabinet Subcommittee directed that the Mandal Headquarters should be at place X rather than place Y as recommended by the Collector concerned in a particular case, the High Court should not have issued a writ in the nature of mandamus to enforce the guidelines which were nothing more than administrative instructions not having any statutory force, which did not give rise to any legal right in favour of the writ petitioners. The guidelines are merely in the nature of instructions issued by the State Government to the Collectors regulating the manner in which they should formulate their proposals for formation of a Revenue Mandal or for location of its headquarters keeping in view the broad guidelines. The guidelines had no statutory force and they had also not been published in the Official Gazette."

12. Therefore applying the principle laid down by the Supreme Court in the above decision, and in view of the facts and circumstances of the case I hold that the action of the respondents in shifting the Sub-Divisional Police Office from Bodhan to Banswada is in the interest of administration and does not call for any interference by this Court. I do not find any merit in the writ petition and it is liable to be dismissed.

13. The writ petition is accordingly dismissed. No order as to costs.