

(1971) 03 AP CK 0026
In the Andhra Pradesh High Court

Malladi Narayanamuthi and Others

APPELLANT

Vs

State of Andhra Pradesh and Another

RESPONDENT

Date of Decision : 22-03-1971

Acts Referred:

Constitution of India, 1950 — Article 14
Police Act, 1861 — Section 15

Citation : (1971) 2 AnWR 389 : (1972) CriLJ 532

Hon'ble Judges : Venkateswara Rao, J;Obul Reddi, J

Bench : Division Bench

Judgement

Obul Reddi, J.—This writ appeal is directed against the order of our learned brother, Gopal Rao Ekbote, J. dismissing the application filed by the appellants for the issue of a Writ of certiorari.

2. The appellants challenge the proclamation dated 21-12-1964 issued by the Government u/s 15 of the Police Act, 1861 declaring that the area comprised within the limits of the five villages mentioned therein has been found to be in a disturbed state and that the conduct of the inhabitants made it expedient to appoint additional police force for maintaining public peace in that area. It was also notified that the expenditure incurred by the Government in quartering the additional police force shall be borne by the appellants belonging to party "A" and the members belonging to Party "B" as shown in the annexure, according to the apportionment to be made by the District Magistrate. The police force was initially quartered for a period of six months and it was extended from time to time in order to maintain public peace.

3. Two contentions have been put forward by the learned Counsel for the appellants : (1) that the proclamation, in so far as the appellants are concerned, is nothing short of arbitrary exercise of power by the Government and (2) that there is absolutely no justification for singling out the appellants for the purpose of bearing the costs of the additional police force while exempting the other inhabitants of the villages from the levy of punitive tax,

4. The object in enacting the Police Act. 1861 was to reorganise the police force and make it function in a more efficient manner for the prevention and detection of crime. The underlying object of Section 15 of the Act, which empowers the State Government to quarter additional police force in a disturbed area is to prevent crime and ensure public peace in the area. Sub-section (1) of Section 15 empowers the State Government to notify any area within its jurisdiction to be a disturbed or dangerous area and increase the police force to keep the inhabitants of the area responsible for the disturbed conditions under check and control. The object of stationing the additional police force, is to bring back the area to normalcy and, therefore, it was found expedient in the interests of law and order to make such of those persons responsible for the disturbed conditions in the area to bear the costs of the additional police force quartered in the area. The object of making such inhabitants responsible for the disturbed State of affairs to bear the cost is to prevent them from indulging in activities which endanger public peace. The District Magistrate is empowered under Sub-section (4) of Section 15, after making such enquiry as he may consider necessary, to apportion the cost involved in maintaining the additional police force among the inhabitants of the area, who are responsible for the disturbed state of affairs. The District Magistrate is a very highly placed and responsible officer of the Government and, therefore, it cannot be said that the power given to him will be used in any arbitrary manner. There is no question of any arbitrary exercise of power, for it is incumbent upon him to make an enquiry, though the scope or mode of enquiry is left to his discretion. It is for the State Government to decide whether the situation is such as to judge the expediency of quartering or stationing an additional police force and it cannot be said that the State Government acted arbitrarily in any manner, for a perusal of the proclamation would show that it considered the reports of the Collector and District Magistrate and the Inspector-General of Police before the proclamation was issued. It is the primary and elementary function of the State Government to maintain public peace and law and order and when it is of opinion that certain inhabitants of an area, by their conduct and acts, have contributed to the disturbed conditions to take effective measures to prevent crime and maintain law and order. What is required is swift and effective action by the Government and, therefore, it cannot be said that there is any arbitrary exercise of power by the Government when it considered expedient to declare the area comprising the five villages in question as a disturbed area. It is not the case of the appellants that there is any mala fide exercise of power by the Government and. therefore, there is no reason to doubt the honesty and impartiality of the Government in declaring the area as a disturbed one.

5. A perusal of the counter affidavit filed on behalf of the Government would show the long standing enmity between the members of Party "A" and the members of party "B" showing in the annexure, extending over a period of three decades. There were any number of riotings and murders in this area, notwithstanding the security proceedings initiated against the members of both

the groups. The members of the opposite faction viz., party "B" are also made liable to bear the burden of the punitive tax in the manner apportioned by the District Magistrate. The counter-affidavit clearly disclosed that the appellants were all involved in one or the other of the cases registered by the Police and charge-sheeted in Courts. Therefore, it is not a case where any innocent inhabitant, unconcerned with the factions and criminal cases, has been made to bear the burden of the punitive tax. The District Magistrate made an enquiry for the purpose of apportionment and it does not appear that any representation was made to the District Magistrate by any one of the appellants contending that they were not involved in the crimes listed out or responsible for the disturbed state of affairs in the area. Therefore, it is not a case where it could be complained of any discriminatory treatment and denial of equal protection of laws. If some inhabitants of the village are left out, it is for the reasons that they belonged to different group or class, who had nothing to do with the two warring groups. The factionists responsible for the creation of the disturbed state of affairs form a separate and distinct class and therefore the apportionment of the cost made by the District Magistrate is no a matter of complaint under Article 14 of the Constitution.

6. We, therefore, find no merits in this writ appeal and it is accordingly dismissed with costs. Advocate's fee Rs. 100/-.