
(2002) 02 AP CK 0139

In the Andhra Pradesh High Court

Case No : Writ Petition No. 1161 of 2002

Vemula Rajamouli and Another

APPELLANT

Vs

State of A.P. and Another

RESPONDENT

Date of Decision : 01-02-2002

Acts Referred:

Citation : (2002) 2 ALD 424 : (2002) 2 ALT 153

Hon'ble Judges : Ar. Lakshmanan, C.J;I. Venkatanarayana, J

Bench : Division Bench

Advocate : A. Sudarshan Reddy, for the Appellant; Government Pleader, for Home (Courts) and M. Bhaskara Lakshmi, SC for High Court of A.P., for the Respondent

Final Decision : Dismissed

Judgement

Ar. Lakshmanan, C.J.—This writ petition was filed by two petitioners who are residents of Thelukunta village of Julapalli Mandal and Gangaram village of Kalva Srirampur Mandal of Karimnagar District respectively for a declaration that G.O. Ms. No. 176, Law CLA and J (Courts-C) Department dated 15-11-2001 issued by the Government of Andhra Pradesh converting the existing Court of Special Judicial Magistrate of I Class, Manthani (Mobile Court) as regular Junior Civil Judge's Court and shifting the same from Manthani to Godavarikhani as arbitrary and illegal.

2. According to the petitioners, G.O. Ms. No.406 Home (Courts-A) Department dated 27-6-1990 was issued for establishing Mobile Courts in some of the districts including the place at Manthani, Karimnagar District in order to facilitate the poorer sections of people inhabiting in remote and interior areas of the districts who have been implicated in bailable offences to have an immediate access to the Courts. The said GO was a laudable step in the administration of justice to the poorer sections. The further object of the GO was to see that the poorer sections of the people do not travel long distances to exonerate themselves from the criminal offences in which they have been implicated or

involved. According to the petitioners, the Mobile Court constituted at Manthani as per G.O. Ms. No.406, dated 27-6-1990 was functioning well to the satisfaction of the persons involved in bailable offences and was also facilitating the prosecution. In furtherance of the said G.O., the Government have also issued G.O. Ms. No.451 Home (Courts-A) Department, dated 28-7-1990 earmarking the jurisdiction of the Special Judicial Magistrate of I Class (Mobile Court), Manthani. Nine Mandals fall under the jurisdiction of the said Court including the Mandals Kalva Srirampur and Julapally. The said Mobile Court has jurisdiction only in respect of bailable offences and the regular civil jurisdiction of the mandals falling under the jurisdiction of the Mobile Court including the jurisdiction of Kalva Srirampur and Julapalli was vested in the Court of Junior Civil Judge, Sultanabad. The Judicial Magistrate of I Class, Sultanabad had also jurisdiction in respect of non-bailable offences in relation to all the mandals that fall under the jurisdiction of the Mobile Court, Manthani. Thus, the Judicial Magistrate of I Class, Sultanabad, except in respect of bailable offences, has both civil and criminal jurisdiction over the mandals that fall under the jurisdiction of the Court of Mobile Court, Manthani.

3. It is submitted that contrary to the object of G.O. Ms. No.406 and 451, the Government have issued G.O. Ms. No. 176 dated 5-11-2001 converting the Court of Special Judicial I Class Magistrate, Manthani to a regular Court of Junior Civil Judge and shifting the same to Godavarikhani having civil jurisdiction as also to act as Judicial I Class Magistrate to try all offences including bailable and non-bailable. Because of the shifting of the Court from Manthani to Godavarikhani, it is submitted by the learned Counsel for the petitioners, the poorer litigants will be put to grave hardship, as they had to travel from remote places to Godavarikhani to attend the Court. It is also submitted that though representations were made to the respondents-authorities bringing to their notice that G.O. MS, No.176 would cause irreparable damage to the poorer litigants, the authorities are taking steps to close the Mobile Court and are also taking steps in furtherance of G.O. Ms. No.176 to issue orders to constitute the Court of Junior Civil Judge-cum-Judicial Magistrate of I Class, Godavarikhani by putting an end to the Mobile Court which is still functioning and dispensing justice in an accessible manner to the poorer litigants of the nine mandals mentioned in G.O. Ms. No.451.

4. We have perused G.O. Ms. No. 176 dated 15-11-2001 issued by the Government of Andhra Pradesh. The Registrar of the High Court of Andhra Pradesh in his letter dated 29-2-1992 has reported that the existing Court of District Munsif-cum-Special Judicial Magistrate of I Class (Mobile Court), Manthani is exercising jurisdiction over four Police Stations of Godavarikhani area and most of the cases are from the said Police Stations and therefore the High Court felt that there is justification for shifting of the Special Mobile Court, Manthani along with the staff working therein by absorbing them in the proposed Court of Junior Civil Judge-cum-Judicial Magistrate of I Class so that the said Court will also exercise the jurisdiction over Ramagundam thereby the need to

establish a Junior Civil Judge's Court at Ramagundam as proposed by the High Court in their consolidated proposal to establish 72 such Courts in the State in addition to the existing Courts will automatically cease.

5. The Government after consideration of the proposal of the Registrar of this Court in the impugned GO ordered for shifting of the District Munsif-cum-Special Judicial Magistrate of I Class (Mobile Court), Manthani to Godavarikhani as Court of Junior Civil Judge-cum-Judicial Magistrate of I Class with the existing staff only. The said order was issued with the concurrence of the Finance and Planning Department, vide their UO. No. 29163 /Finance and Planning (Exp.Home) Department, dated 31-8-2001.

6. We have also perused G.O. Ms. No.406 dated 27-8-1990. It is true that at the time when the said GO was issued, the Government felt it necessary to constitute Mobile Courts in some of the districts to render instant and speedy justice to the people inhabiting in remote and interior areas as the existing Courts situated at the District or the Divisional headquarters are found to be not accessible to those people and difficult for them to attend or approach those Courts because of high expenditure involved which they cannot afford. Sanction was, therefore, accorded for establishment of one Mobile Court in the first instance in each of the districts of Warangal, Karimnagar, Medak, Nizambad, Mahabubnagar, Adilabad, Visakhapatnam, East Godavari and Khammam with headquarters indicated against each of the districts as indicated in the said GO.

7. Further, the Registrar of this Court in response to a letter addressed by the Secretary to the Government, Legal Affairs and Legislative Affairs and Justice, by letter dated 27-7-2001 in Roc. No. 6874/EI , after re-examining the entire issue, addressed a letter to the Secretary to the Government, in regard to the proposals already made and intimating the Government about the recommendations made by the High Court for converting and shifting of the Court of Junior Civil Judge-cum-Special Judicial Magistrate of Class, (Mobile Court), Manthani to Godavarikhani as Court of Junior Civil Judge, Godavarikhani. The Government after consideration of the proposals of the Registrar of the High Court sent in earlier letters dated 29-2-1992, 23-11-1998, 5-8-2000 as also the latest recommendation made in letter dated 27-7-2001, accepted the recommendation made by the High Court for conversion of the Mobile Court, Manthani as Court of Junior Civil Judge-cum-Judicial Magistrate of I Class and for shifting of the same to Godavarikhani and accordingly issued the impugned GO for shifting of the Junior Civil Judge-cum-Special Judicial Magistrate of I Class (Mobile Court), Manthani to Godavarikhani as recommended by the High Court as a regular Court having both civil and criminal jurisdiction.

8. The High Court, as already noticed, has recommended for the shifting of the existing Court of District Munsif-Cum-Special Judicial Magistrate of I Class (Mobile Court), Manthani which is exercising jurisdiction over four Police Stations of Godavarikhani area. It is also submitted that most of the cases are from the said Police Stations. Therefore, the High Court felt that there is justification for

shifting of the Special Mobile Court, Manthani along with the staff working therein by absorbing them in the proposed Court of Junior Civil Judge-cum-Judicial Magistrate of I Class, Godavarikhani so that the said Court will also exercise the jurisdiction over Ramagundam thereby the need to establish a separate Junior Civil Judge's Court (Munsif Magistrate) Court at Ramangundam proposed by the High Court in the earlier letter dated 29-2-1992 will automatically cease. In our considered opinion, the Government has rightly accepted the proposal in view of the reasons mentioned in the recommendations made by the High Court. Further, from the letter dated 29-2-1992 of the Registrar of this Court addressed to the Secretary to the Government, it is clear that the High Court has taken a policy decision for abolition of certain existing Courts where there is no necessity and for the establishment of the same as new Courts at other places where there was necessity. In the instant case, it was brought to the notice of the High Court on the administrative side that the existing Mobile Court at Manthani is exercising jurisdiction over four police stations of Godavarikhani area and most of the cases are from the said police stations only. The High Court, therefore, felt that there is justification for shifting of the Mobile Court, Manthani to Godavarikhani as regular Court of Junior Civil Judge-cum-Judicial Magistrate of I Class having both civil and criminal jurisdiction. This is certainly to the advantage of the people residing in the area only. Further, it is seen that by converting the Special Mobile Court, Manthani as Court of Junior Civil Judge-cum-Judicial Magistrate of I Class and shifting the same to Godavarikhani, the High Court and the Government have achieved two purposes, namely, the staff would be absorbed in the proposed Court of Junior Civil Judge-cum-Judicial Magistrate of I Class, Godavarikhani for which there will be no financial implication and secondly the Court will also exercise jurisdiction over Ramagundam for which the High Court requested the Government to establish a separate Junior Civil Judge's Court in the proposals sent to the Government by the Registrar of this Court in letter dated 29-2-1992. By reason of the impugned GO, we are of the opinion, that the people of Godavarikhani as also the people of Ramangundam area are benefited and therefore it is not open for the petitioners to question the prudent action of the Government which had been taken on the basis of the recommendations of the High Court which is the only competent authority to recommend for shifting of Courts or opening of new Courts. The impugned order of the Government, which is based on the recommendations of the High Court, in our view, is perfectly in order and has been issued in the larger public interest of the people living in the nearby areas. Further, while making recommendation to the Government for shifting of the Court to Godavarikhani and making it as a permanent Court having both civil and criminal jurisdiction, it cannot be said that the High Court has not taken into consideration the larger public interest in the area.

9. The action of the Government, therefore, cannot be characterised as irregular or illegal. By reason of conversion of the Court of Special Mobile Court, Manthani as Court of Junior Civil Judge-cum-Judicial Magistrate of I Class and shifting the

same to Godavarikhani having civil jurisdiction as also jurisdiction on criminal side to try all offences including bailable and non-bailable, the poorer litigants of all the areas including the Ramagundam area can avail of the benefit of the setting up of a permanent/regular Court. It is true that by shifting the Court from one place to another, people of one area may be affected. But that cannot, in our opinion, stand in the way of Government issuing the GO when it is required to shift the Court in larger public interest on the basis of the recommendations of the High Court. As already observed, by shifting the Court to Godavarikhani, the proper litigants residing in Godavarikhani and Ramangundam and also the people residing in the nearby Mandals will be benefited. The inconvenience or grievance of a few residing in the mandals of Kalva Srirampur and Julapalli is only Jhiaginary in nature and cannot be a ground to quash the GO.

10. For the reasons aforesaid, we are of the view that no interference with the impugned GO is called for. We declare that G.O. Ms. No.176 dated 15-11-2001 is valid and legal and consequently we direct the Government to proceed further in implementing G.O. Ms. No.176 dated 15-11-2001 immediately and to give effect to the said GO in letter and spirit.

11. The writ petition, therefore, fails and it is accordingly dismissed. No costs.