

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRITPETITION NO.11951 of 2023

ORDER:

The present Writ Petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 5 and 6 in not taking action on the petitioner’s representation dated 16.07.2022 for removal/withdrawal of Look Out Circle issued on the petitioner’s name in pursuance of Crime No.24 of 2021 on the file of 5th respondent from the records of the respondents 1 to 6, as illegal, irregular, irrational, arbitrary and Principles of Natural Justice and Violative of Articles 13, 14 and 21 of Constitution of India and consequently direct the respondents 5 and 6 to consider the petitioner’s representation dated 16.07.2022 for withdrawal of Look Out Circular against the petitioner and direct the respondents 1to 4 not to restrain the petitioner in the Airport on the name of pending Look Out Circular”

2. Heard Sri Naga Praveen Vankayalapati, learned counsel for the petitioner, Smt. Alekhya Tadasina, learned Central Government Counsel appearing for respondent Nos. 1to 3 and Sri Vivek, learned Special Public Prosecutor for CID appearing for respondent Nos.4 to 6.

3. Learned counsel for the petitioner submitted that as the authorities are not withdrawing the Look Out Circle issued on

the name of the petitioner in pursuance of Crime No.24 of 2021 on the file of the Deputy Superintendent of Police, Crime Investigation Department, Tadepalli, though he made a representation dated 16.07.2022 but the same was not taken up for consideration so far and submitted that it would suffice for the time being if a direction is given to the 5th respondent authority, to consider and pass appropriate orders on the petitioner's representation after giving an opportunity of personal hearing.

4. To the said submission, Sri Vivek, learned Special Public Prosecutor for CID appearing for respondent Nos.4 to 6 as well as Smt. Alekhya Tadasina, learned Central Government Counsel appearing for respondent Nos. 1 to 3 submitted that, counter has been filed, however, such an order can be passed. The learned Special Public Prosecutor submitted that, the representation so made is of the year 2022, so, if a fresh representation is made to the 5th respondent to withdraw the Look Out Circle, the authorities will take up for consideration and pass orders in accordance with law.

5. To said submission, learned counsel for the petitioner reported no objection.

6. Taking their submissions into consideration and without going into the merits of the case, this court is inclined to pass the following order:

- (a) the petitioner is at liberty to make fresh representation by raising all the pleas that are raised before this court in the present Writ Petition within a period of one (01) week from the date of receipt of this order to the 5th respondent.
- (b) On such representation, the 5th respondent is hereby directed to dispose of the said representation after giving an opportunity of being heard to the petitioner and pass a reasonable order by duly taking into consideration the guidelines issued with regard to the Look Out circle and also the settled principles of law and communicate the same to the petitioner within a period of four (04) weeks thereafter.

Accordingly, the present Writ Petition is disposed of.

As a sequel thereto, interlocutory applications pending, if any in the writ petition, shall also stand closed.

JUSTICE RAVI CHEEMALAPATI

10th May, 2023

TJN