

THE HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.14445 OF 2024

ORDER : (ORAL)

This writ petition is filed by the petitioners seeking following relief:

“... to issue an appropriate Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of Respondents No.1 to 5, in not registering the FIR basing on the complaint made by the petitioner on 01-05-2024, 04.05.2024, representation dated 02.05.2024 received on 03.05.2024 in not registering the crime against the Respondent No.6 and not taking any action against him as illegal, arbitrary and against the principles of natural justice and violation of Section 154 of the Criminal Procedure Code 1973, Article 14, 19, 21 of Constitution of India and consequently direct the respondent police to entertain the complaint dt.01-05-2024 & 04-05-2024 and register the FIR against the Respondent No.6 and to investigate the same as per the provisions of law and to pass such ...”

2. The case of the petitioners is that on 27.04.2024, the boarders of Osmania University (for short ‘O.U.’) protested about the shortage of water and electricity in the hostels of O.U. In response to the protests, the Chief Warden of Hostels and Messes

of O.U. (in short 'Chief Warden') circulated a notice dated 18.03.2024 which reads as under:

“The University vide Lr.No.226/Stats/Acad/2024 dt.18.03.2024, has decided Summer Vacation and hence the boarders of Campus Hostels & Messes are hereby informed that the Hostels & Messes will be closed w.e.f. 01.05.2024 to 31.05.2024. And also due to Severe Summer there is shortage of water and electricity in the Hostels. All the boarders are requested kindly to Co-Operate in this regard.”

Learned counsel for the petitioners submitted that such circular has become subject matter of serious debates among the students and political community exposing shortage of water and electricity in the city and the State. Respondent No.6 in order to show that there is no shortage of water and electricity appears to have directed the Registrar, O.U. to issue show cause notice to the Chief Warden. Thereafter, the Registrar, O.U., issued a show-cause notice dated 29.04.2024 to the Chief Warden calling upon him to explain for disseminating misleading information thereby causing unnecessary confusion among the University community.

3. Learned counsel for the petitioners further submitted that after issuance of show-cause notice, respondent No.6 - Hon'ble the Chief Minister of Telangana, through his X account @revanth_anumala has tweeted on 30.04.2024 the notice dated 12.05.2023 allegedly issued by the Chief Warden with regard to the closure of P.G. Boarders messes and hostels from 14.05.2023 to 05.06.2023 due to acute shortage of water and electricity in the University hostels and messes. The tweet of respondent No.6 reads as under:

“It is hereby informed to all the P.G. Boarders of University Hostels and Messes that the University has declared Summer Vacation to the students and also there is acute shortage of water and electricity in the University Hostels & Messes. The Messes will be closed w.e.f. 14.05.2023 (After Lunch) and will be reopened on 05.06.2023 (Lunch Onwards).”

4. It is stated that the aforesaid tweet of respondent No.6 led to posting of various tweets among the student groups of O.U. bringing to the notice to other students the original notice dated 12.05.2023 issued by the Chief Warden. One Mr. Manne Krishank has replied to the post of respondent No.6 stating that the alleged

circular dated 12.05.2023 posted by respondent No.6 is not genuine and he circulated copy of original notice dated 12.05.2023 issued by the Chief Warden which is extracted below:

“It is hereby informed to all the P.G. Boarders of University Hostels and Messes, that the University has declared Summer Vacation to the students and hence the Mess facility to the P.G. Boarders will be closed w.e.f. 14.05.2023 (After Lunch) and will be re-opened on 05.06.2023 (Lunch Onwards).”

5. Learned counsel for the petitioners further submitted that in reply to the show-cause notice issued by the Registrar, O.U. and in view of the directions, the Chief Warden has filed a complaint in Osmania University, Police Station, on 30.04.2024 to take action on the fake notice on closure of O.U. hostels and messes that is being circulated in the social media. In the said complaint there are no details of the fake notice, date or year of the notice. In the reference column, @*Krishank_BRS* was mentioned. Based on the vague complaint of the Chief Warden, Hostels and Messes, O.U. on 30.04.2024 a case in Crime No.207 of 2024 was registered for the offences punishable under Sections 466, 468, 469 and 505(1)(c) of the Indian Penal Code, 1860 with O.U. City, Police

Station by respondent No.5 against Mr. Krishank and another students. Mr. Krishank was arrested and remanded to judicial custody.

6. Learned counsel for the petitioners also submitted that the circular dated 12.05.2023 tweeted by respondent No.6 on 30.04.2024 is *prima facie* fake and fabricated document which was intentionally posted by respondent No.6 to mislead the people of the Telangana State. However, the students of O.U. have the knowledge of the original notice dated 12.05.2023 where the hostels and messes were closed because of summer vacation but not due to the reason of acute shortage of water and electricity in the month of May 2023. Hence, the petitioners approached respondent No.5 and filed a complaint on 01.05.2024 against respondent No.6. They also submitted representations to respondent Nos.3 and 4 bringing to their notice about non-registration of complaint by respondent No.5 against respondent No.6. Despite repeated representations of the petitioners dated 01.05.2024, 03.05.2024 and 04.05.2024, the Police officials refused to register the First Information Report (for short 'FIR')

against respondent No.6; the same is in violation of judgment of the Hon'ble Supreme Court in **Lalitha Kumari v. State of Uttar Pradesh**¹. Having no other alternative, the petitioners are constrained to approach this Court.

7. Mr. T. Rajinikanth Reddy, learned Additional Advocate General, appearing on behalf of respondents submitted that petitioners do not have any locus to institute this writ petition. They are in no way connected to the alleged tweet of the Hon'ble the Chief Minister. Moreover, petitioners being aware of the Crime No.207 of 2024 of O.U. City Police Station against Mr. Krishank and others have lodged a baseless complaint as a counter blast.

8. Learned Additional Advocate General submitted that the notice dated 12.05.2023 of page No.33 of the writ affidavit showing that there is acute shortage of water and electricity in the hostels and messes of O.U. is a genuine one, whereas the notice which is being projected by the petitioners which is in page No.34

¹ (2014) 2 SCC 1

of the writ affidavit is not a genuine one. Moreover, the same is the subject matter of investigation in Crime No.207 of 2024 of O.U. City Police Station.

9. Learned Additional Advocate General submitted that notice dated 12.05.2023 (placed on record in the course of hearing) tweeted by respondent No.6 was forwarded by the Chief Warden under covering letter No.139/CWO/H&M/OU/2024 dated 09.05.2024 to the Station House Officer, O.U. City Police Station and it did not originate from the office of respondent No.6.

10. Heard Mr. M. Roopender, learned counsel for the petitioners; and Mr. T. Rajinikanth Reddy, learned Additional Advocate General, appearing on behalf of respondents, and perused the material on record.

11. According to the learned counsel for the petitioners, the Hon'ble the Chief Minister is responsible for tweeting fake circular of closure of hostels and messes in O.U. due to acute shortage of water and electricity, whereas, the learned Additional Advocate General submits that the accused No.1 in Crime No.207 of 2024 of

O.U. City Police Station has fabricated the notice dated 12.05.2023 by omitting “the acute water and electricity shortage”. That the alleged fake notice was forwarded by the Chief Warden to the Station House Officer, O.U. City Police Station. It is relevant to note that the documents produced by the learned Additional Advocate General makes it amply clear that the alleged fake notice emanated from the Chief Warden. Moreover, it is preposterous to assume that the Chief Minister of the State (respondent No.6) would personally handle twitter for posting trivial and casual tweets.

12. In the opinion of this Court, petitioners are not aggrieved persons and no *prima facie* case is made out to direct the Police officials to act on their complaints dated 01.05.2024 and 04.05.2024. As a case in Crime No.207 of 2024 with O.U. City Police Station was already registered, it is for the Investigation Officer to find out which of the documents as discussed in paragraph No.8 is a genuine/fake one.

13. In the light of above discussion, the writ petition is misconceived and accordingly it is dismissed. However,

petitioners are always at liberty to invoke appropriate legal remedies available under law. There shall be no order as to costs.

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

B. VIJAYSEN REDDY, J

Date: 11.06.2024
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