

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

**HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA, CHIEF
JUSTICE**

&

HON'BLE MR. JUSTICE D.V.S.S. SOMAYAJULU

W.P.(PIL).No.182 of 2022

Sandeep Pamarati,
S/o P.Veerabhadra Rao,
Dr.No.3241-21, First Floor,
Road No.4 Revenue Colony,
Machavaram Down, Eluru Road,
Vijayawada, Krishna District, A.p.

.. Petitioner

Versus
High Court of Andhra Pradesh,
Rep., by the Registrar General,
A.P.High Court buildings,
Nelapadu, Amaravathi,
Guntur District and 14 others.

.. Respondents

Counsel for the petitioner : Sandeep Pamarati

Counsel for the respondents : --

J U D G M E N T

Date: 14.11.2022

(per D.V.S.S.Somayajulu, J)

The writ petition is filed for the following relief:

‘to issue a writ order or direction more particularly one
in the nature of writ of mandamus to (a) call for statistics of
disposal of Domestic Violence cases within 60 days from all

the District Units in A.P and basis assessment on those numbers to declare the total failure of the implementation of Statutory Compliance under Section 12(5) of Protection of Women from Domestic Violence Act in State of Andhra Pradesh

(b) to Appoint an amicus or order/direct Law Commission of India to study reasons for this statutory failure in State of Andhra Pradesh

(c) to direct all District Unit Heads in State of A.P to setup a quarterly monitoring mechanism to ensure the DV cases are disposed within 60 days from the date of first hearing, considering the Protection of Women from Domestic Violence Act, 2005 to be a special law made with a mandate to upheld and implement Article 15(3) of the Constitution of India

(d) to report publicly the statistics of and reasons for delays in disposing DV cases as mandated under section 12(5) of Protection of Women from Domestic Violence Act 2005, on A.P High Court website on quarterly basis and to pass such other order...”

2. The petitioner who is also an advocate appeared in person and argued the matter. According to him, although he is respondent in a Domestic Violence case, he has got relief from the Court and that he is only espousing the cause of the public in seeking the data of the cases filed, disposed under the Domestic

Violence Act and also seeking a further directions to monitor the disposal of the Domestic Violence cases to help the litigant public.

3. This Court after considering the submissions made notices that the petitioner himself is a practicing advocate. He is also a respondent in a domestic violence case filed against him by his wife bearing DVC.No.14 of 2017 on the file of III Junior Civil Judge Court, Ongole, Prakasam District. According to him, he has secured the necessary orders from the High Court and therefore, he is merely espousing the public cause.

4. A deeper study by this Court makes it clear what the petitioner seeking through this PIL is to seek a declaration that there is 'total failure' of compliance with section 12 (5) of the Protection of Women from Domestic Violence Act, 2005 (for short 'the Act'). According to the petitioner, an *amicus curiae* should be appointed to study the reasons for the statutory failure in the State of Andhra Pradesh and monitoring mechanism should be set up to analyze the causes for delay and necessary remedial measures should be taken.

5. This Court is of the opinion that under the guise of a Public Interest Litigation, the petitioner is trying to interfere in the administration of justice. Rule 12 (5) of the Act is not a

mandatory provision. The Magistrate is only directed to dispose of every application within a period of 60 days, which is as follows:

12. Application to Magistrate;

(5) The Magistrate shall endeavour to dispose of every application made under sub-section (1) within a period of sixty days from the date of its first hearing.

6. The District judiciary is functioning under difficult circumstances which were compounded by the onset of Covid pandemic and the resultant disturbance in judicial work. The pendency of cases is also huge. A blanket direction on a nature sought for cannot be given in this litigation by separately treating the Domestic Violence cases as a class. If such applications are allowed, this Court will be opening the flood gates of litigation and every party involved in a civil or criminal dispute will seek similar reliefs. This Court has already issued appropriate and sufficient directions directing the Judicial Officers to discharge their duties and also dispose of the cases of various nature in the shortest possible time. The disposal is also periodically monitored. Separate relief cannot be granted to the petitioner or others in each branch of litigation and under each Act. This would amount

to interference with the discharge of judicial duties by the Officers of the District Judiciary.

7. This Court is therefore of the opinion that the W.P.(PIL) is misconceived and accordingly, the same is dismissed. No order as to costs. Pending miscellaneous applications, if any, shall stand closed.

PRASHANT KUMAR MISHRA, CJ

D.V.S.S. SOMAYAJULU, J

KLP