

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

FRIDAY THE THIRTIETH DAY OF OCTOBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 33266 OF 2015

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Between:

Tadda Kanthamma ... Petitioner

Vs.

The State of Telangana

Represented by its Prl. Secretary,

Home Department,

Secretariat, Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri K. Jagadishwar Reddy

Counsel for the Respondents: GP for Home [TG]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 33266 OF 2015

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ORDER:

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This writ petition is filed under Article 226 of the Constitution of India for the following relief :

“To declare the action of respondent No.2 in not providing police protection to the petitioner’s Ac::1-06 $\frac{3}{4}$ th guntas of land in survey No. 62/67/2 of Somulagudem Revenue village of Palvanha Mandal, Khammam district and in not taking steps in crime registered against respondent No.3 as illegal, arbitrary and against Article 300-A of the Constitution of India and to pass suitable orders as this court may deems fit and proper in the circumstances of the case.”

2. Heard Sri K. Jagadishwar Reddy, learned counsel for the petitioner and the learned Government Pleader for the respondents 1 and 2.

3. The sum and substance of the case of the petitioner herein is that despite statusquo order granted by the civil court, the respondent police are not providing police protection and taking advantage of the same, the third respondent is threatening the petitioner with dire consequences.

4 . On the contrary, it is submitted by the learned Government Pleader, appearing for respondents 1 and 2 that it is always open for the petitioner to move the court below with necessary application seeking police aid. The learned Government Pleader has placed on record the written instructions dated 13/10/2015 furnished by the Sub-Inspector of Police, Palvancha Rural Police Station, Khammam district.

5. The said written instructions read as under:

It is respectfully submitted that as per the records, the facts of the case are as follows:

“The petitioner herein had approached the Police of Palvancha Rural Police Station, Khammam district and lodged a complaint on 25/7/2014 stating that he is the owner of Ac:1-06 3/4th guntas of land in survey No. 62/67/2 of Somulagudem Revenue Village and he is cultivating the said land with the help of his family members and one Mr.Angoth Ranga, contractor [third respondent herein] by fabricating the documents tried to interfere with his possession over the said land and hence requested to take necessary action as per law.

Basing on the contents of the above complaint, a case in

Cr.No.221/2013 for the offences under section 420 and 506 IPC was registered on the file of Palvancha Rural Police Station and the investigation was taken up. The third respondent herein is shown as accused in the FIR.

During the course of investigation, this respondent being the investigating officer examined the complainant-petitioner and other witnesses and recorded their detailed statements. Prima facie case is made out against the accused-third respondent herein that he had committed the offences mentioned in the FIR. Investigation was completed. After completion of the investigation, appropriate charge sheet under section 173 Cr.P.C. was also filed before the Hon'ble court of Judicial Magistrate of First Class, Kothagudem on 27/6/2015 and the same was taken on file by the Hon'ble court vide CC.No. 169/2015 and the accused-third respondent herein is facing trial.

It is respectfully submitted that the contention of the petitioner that although Cr.No.221/2013 was registered against the third respondent herein, no action so far whatsoever was taken against him is not true and correct. The investigation was completed. Charge sheet was also filed against the third respondent herein and he is facing trial vide CC.No.169/2015 on the file of Hon'ble court of Judicial Magistrate of First Class, Kothagudem. A copy of the charge sheet is also filed along with his written instructions for the kind perusal of this Hon'ble court.

With regard to the protection to the subject lands in question of the petitioner herein is concerned, I humbly state and submit that already the petitioner filed a civil suit in OS.No.273/2014 on the file of Sub-Divisional Magistrate, Mobile court at Bhadrachalam and obtained statusquo orders in I.A.No. 148/2014 in OS.No.273/2014 on 05/8/2014 and hence, it is always open for the petitioner to file an Interlocutory Application before the Hon'ble court which granted statusquo orders seeking police protection to his lands. Unless and until, there are any specific directions to the respondent police, it is very difficult for the respondent police to provide police protection to the disputed lands in question.

I humbly submit that action was taken against the third respondent herein by registering the above case and completed the investigation and filed the charge sheet against him. The petitioner is

unnecessarily trying to involve the respondent police into his personal and civil disputes between him and the third respondent with regard to protection to his lands is concerned.

The writ petition is liable to be dismissed at the threshold.”

6. Since the petitioner herein has effective alternative remedy by moving the court below where OS.No. 273/2014 is pending consideration by way of filing necessary application for redressal of his grievance, this court is not inclined to exercise jurisdiction under Article 226 of the Constitution of India in view of the facts and circumstances of the case.

7. In view of the above reasons and having regard to the written instructions dated 13/10/2015 furnished by the Sub-Inspector of Police, Palvancha Rural Police Station, Khammam district and having regard to the nature of controversy, the writ petition is disposed of, keeping it open for the petitioner herein to move necessary application before the court below where OS.No. 273/2014 is pending consideration. No costs.

8. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

30/10/2015

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HONOURABLE SRI JUSTICE A.V. SESA SAI

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