

HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No. 31835 OF 2015

DATED 7TH OCTOBER, 2015

BETWEEN

Nallapu Narasimha Rao

....Petitioner

And

The State of Telangana,

Rep. by its Principal Secretary, Home Department,

Secretariat, Hyderabad and ors.

....Respondents.

HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No. 31835 OF 2015

ORDER:

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This Writ Petition under Article 226 of the Constitution of India is filed for the following relief:

“.....to issue a Writ, order or direction more particularly one

in the nature of Writ of Mandamus declaring the action of third respondent in repeatedly insisting the petitioner to appear before his authority and insisting him to pay money as per the demand of fourth respondent and also thereby interfering with his personal liberty as illegal, irregular, irrational and also any authority of law and offends Articles 14 and 21 of Constitution of India and consequently direct the third respondent not to insist the petitioner to appear before his authority and interfere in any manner with his personal liberty and life and pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.”

Heard Sri Srinivas Ambati, learned Counsel for the petitioner and learned Government Pleader for Home appearing for Respondents 1 to 3.

To day when the matter is called, written instructions dated 06.10.2015 furnished by the Assistant Sub Inspector, Dammapeta Police Station, Khammam District have been placed on record by the learned Government for Home. The said instructions read as follows:

“ It is submitted that Pusuluri Vijaya Kumar Dhowdary/4th respondent herein has given a petition dated 3.8.2015 with PS: Dammapeta stating that the Writ Petitioner has taken an advance sale of Rs.6,21,00/-, two signed blank Andhra Bank cheques and two promissory notes on the pretext of sale of land. That the petitioner informed him that he purchased said 4 acres of land situated in Sy.No.1458 of Dammapeta Village and Mandal, on 3.10.2013 from Koyyala Pullaiah, S/o Koyyala Lakshmaiah, R/o Gopalapuram and he is in possession of the same. That the petitioner has also executed an Agreement of Sale to sell each acre @ Rs.3,00,000/-. That, on the date of execution of Agreement of Sale, he has given Rs.30,000/-, Rs.20,000/- on 4.9.2014, Rs.1,00,000/- on 15.09.2015, Rs.4,50,000/- on 27.09.2014 and Rs.21,000/- on 5.10.2014, total Rs.6,21,000/-. That the petitioner instead of registering the land in his favour, registered it in the name of his mother viz., Annapurna, in Khammam. Later, he came to know the said fact. Despite his repeated requests and intervention of elders, there is no response from the petitioner. That his subsequent enquiries revealed that the petitioner is not having land in the said Survey Number and the land shown by him actually belongs to one Girijan person. He requested the police to take necessary action.

It is submitted that based on the petition dated 3.8.2015 given by the 4th respondent, a G.D. entry was made. After enquiry, as it is revealed that the contents of the petitioner are civil in nature, the fourth

respondent was informed to approach the Civil Court and settle the issue, accordingly dropped further action on 4.8.2015. The petitioner was not called to the police station or insisted him to pay money to the fourth respondent, as alleged in the affidavit.

The allegation I para-2 that 'the third respondent is repeatedly insisting me to appear before his authority and insisting to pay money as per demand of the fourth respondent and thereby interfering with my personal liberty, without there being any authority of law' is not correct and denied.

The allegation in para-4 that 'on 10.4.2015, I rushed to the third respondent and gave a complaint against the fourth respondent and requested to initiate action against him, but the third respondent did not issue receipt on my complaint, but he received my complaint and kept in his file, thereafter the third respondent did not initiate any further action on my complaint' are all baseless allegations made for the purpose of the writ petition. As per the station record, there is no complaint whatsoever that has been lodged by the petitioner.

The allegations in para 5 that 'the fourth respondent influenced the third respondent to harass me unnecessarily by repeatedly calling me to appear before his authority and compelling me to pay the demanded amount, that on 5.8.2015 the third respondent called me to the Police Station and forced me to give a statement agreeing to pay Rs.5,25,000/-, that failure to give a statement, the third respondent threatened me to implicate in false criminal cases, that having no other alternative he paid Rs.1,00,000/- cash to the fourth respondent, that the third respondent against called me to his police station and insisted me to pay the remaining balance amount to the fourth respondent' are all false, baseless and denied. It is denied that the third respondent colluded with the fourth respondent and insisting him every day to appear in person, thereby interfering with his personal liberty guaranteed under Article 21 of the Constitution of India. It is also denied that the respondent police forcibly secured letter dated 5.8.2015, cheques and promissory notes from the petitioner.

The allegations in para 6 that the petitioner was repeatedly called to the police station and he is made to sit in the police station from morning to evening, that earlier he was asked to appear before the police station once in a week, but now he was asked to appear before the Police Station every day, are not correct and denied. The allegations that he asked the police to register his complaint dated 10.4.2015 and further requested to stop illegal acts against him are not correct and denied. It is incorrect to state that the third respondent is sending constables every day to his residence and harassing on one pretext or the other.

It is submitted that the Respondent police have not registered the

petition dated 3.8.2015 given by the fourth respondent herein, since the contents of the said petition are civil in nature, accordingly it was dropped and the fourth respondent was advised to approach the civil Court. Therefore the allegations to the contrary made in the Writ Petition are not correct and are hereby denied. It is submitted that the police did not interfere in civil disputes, as alleged by the petitioner”

On noticing the said instructions, the learned Counsel for the petitioner has requested this Court to dispose of the Writ Petition by recording the said instructions.

In view of the above submission of the learned Counsel for the petitioner, the Writ Petition is disposed of by recording the written instructions dated 6.10.2015 furnished by the Assistant Sub Inspector, Dammapeta Police Station, Khammam District.

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A.V.SESHA SAI

DATED 7TH OCTOBER, 2015.

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