

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

TUESDAY THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 30797 OF 2015

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Between:

P. Gangamma ... Petitioner

Vs.

The State of Andhra Pradesh

Rep.by its Prl. Secretary

Home Department,

Secretariat, Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri M/Aswartja Narayana

Counsel for the Respondents: GP for Home [AP

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO.30797 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 third respondent in not taking any action in

pursuant to the complaint dated 04/9/2015 made by the petitioner as illegal and arbitrary and consequently to direct the respondents 2 and 3 to initiate appropriate action against the fourth respondent by providing police protection for implementation of orders made in IA.No. 756 of 2015 in OS.No. 143 of 2015 and to pass such other suitable orders as this court may deems fit and proper in the circumstances of the case.”

2. Heard Sri N. Aswartha Narayana, the learned counsel for the petitioner, and the learned Government Pleader for Home for Respondents 1 to 3.

3. When the matter is called, written instructions dated 30/09/2015 furnished by the Sub-Inspector of Police, Kanbaduru Police Station, Ananthapur disrrict, has been placed on record by the learned Government Pleader for Home.

4. The written instructions reads as under:

“ It is respectfully submitted that the respondent police received a court endorsement petition on 03/03/2015. The contents of the petition is that one Smt.P.Gangamma/the petitioner herein lodged complaint against one Eswaramma/the fourth respondent herein stating that the Government assigned a land in her favour. The petitioner Gangamma by borrowing the amount from some others laid foundation. After wards the petitioner Gangamma approached the Housing authorities and the authorities informed that the amount was drawn. After enquiry the petitioner/Gangamma came to know that both the accused Eswaramma/fourth respondent and her husband deceived the authorities and pretended that the first accused/fourth respondent is beneficiary and the second is the husband of the complainant/the petitioner. Hence the above two accused colluded and cheated the petitioner and swallowed 20bags of cement and cash of Rs.20,000/-. Hence requested to take necessary action.

After receiving the same, the respondent police registered a case in Cr.No.47/2015 U/section 420 r/w 34 IPC and 156 (3) CrI;P.C.

of Kambaduru Police Station, Ananthapur district. The investigation officer took up the investigation. During the course of investigation the respondent police examined five witnesses and recorded their statements. And send a letter to the Divisional O\Engineer, AP Housing Boiard, Kalyanagudrg with request to furnish the details of the above said house construction and who is the actual authority to withdraw the housing loan and the reply is awaited. The case is under investigation.

It is further submitted that the petitioner herein filed IA.No. 756 of 2015 in OS.No.143 of 2015 before the Hon'ble court for granting temporary injunction order and the same was granted till 07/9/2015. Hence, the respondent police is not a competent authority to give any protection, unless the court grants necessary police protection.

The respondent police will abide by the directions if any passed by this Hon'ble court."

5. On noticing the same, the learned counsel for the petitioner has requested this court to dispose of the writ petition by recording the said written instructions.

6. In view of the above, the writ petition is disposed of by recording the above written instructions dated 30/09/2015 furnished by the Sub-Inspector of Police, Kanbaduru Police Station, Ananthapur district. No costs.

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

JUSTICE A.V.SESHA SAI

06/10/2015

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HONOURABLE SRI JUSTICE A.V. SETHA SAI

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Court Master: I s L

