

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.29058 OF 2015

ORDER:

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

“to issue order direction more particularly one in the nature of writ of MANDAMUS to declare the action of the respondents in not taking action on the complaint filed by the petitioner on 29.08.2015 as illegal arbitrary and contrary to the provisions of Cr.P.C. and consequentially direct the respondent police to provide necessary protection to the petitioner's land covered in RS No.559/2 Ac.4.70 Cts situated at Buttaigudem Village & Mandal, West Godavari District and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.”

2. When the matter is called today, written instructions dated 21.09.2015, furnished by the Sub-Inspector of Police, Buttaigudem Police Station, West Godavari District, have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is respectfully submitted that one Thotakura Satyavathi/the petitioner herein lodged complaint with the S.H.O. Buttaigudem P.S. stating that she have agricultural land in RS. No. 559/2 Ac. 4.70 Cts situated at Buttaigudem Village and Mandal and she raised the cotton and jam oil trees into the above said land. But some Chodem Durga and others trespass into her land and destroy the jam oil garden and cotton crop raised in the schedule land and measured the land for house site, hence requested to take necessary action.

On 13.09.2015, basing on the report of complainant's, the respondent police registered FIR as a case in Cr. No. 109/2015 U/Sec 447,427,r/w 34 IPC of Buttaigudem P.S. on 13.09.2015 and took up the investigation in to.

During the course of investigation, the respondent

police examined the LWs 1 to 6 U/Sec 161 Cr.P.C. and recorded their detailed statements U/Sec 161 (3) Cr.P.C. in his part II CD separately. Prepared rough sketch and got drawn scene observation report and also got photographs from scene of offence by private photographer in this case.

In this case investigation is going on in respect of the title dispute is concerned, there is a writ petition No.30155/2010 is pending before the Hon'ble Court in favour of the petitioner. However, respondent police is not the competent authority to decide the ownership of the land. Basing on the complaint crime was registered in FIR No.109/2015 and also respondent police will provide protection basing on the complaint made by the petitioner as per Law.

Now the investigation is going on, after completion of the investigation, the respondent police will file charge sheet as early as possible before the Hon'ble Competent Court."

3. On noticing the said written instructions, learned counsel for the petitioner requested this court to dispose of the writ petition by recording the said written instructions.
4. In view of the above, writ petition is disposed of, by recording the written instructions dated 21.09.2015, furnished by the Sub-Inspector of Police, Buttaigudem Police Station, West Godavari District.
5. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

22nd September, 2015

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