

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

WRIT PETITION No.26366 of 2015

-

ORDER:

This writ petition is filed under Article 226 of the Constitution of India 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 the 2nd respondent in not registering the case basing upon the complaint of the petitioner Dt.05-07-2015 made to the 2nd respondent against the Respondents 3 to 7 as well as not taking any action against them according to law to declare the same as illegal, arbitrary, violation of Articles 14, 16 and 21 of Constitution of India as well as contrary to the provisions of the Criminal Procedure Code and consequently direct the 2nd respondent to register the case against Respondents 3 to 7 basing upon the aforesaid complaint of the petitioner and enquire into the matter to take appropriate action against them and pass such other order.”

2. When the matter is called today, written instructions dated 26.08.2015, furnished by the Sub Inspector of Police, II Town Police Station, Vijayawada City, 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 Medisetty Subba rao/petitioner herein lessees of the total extent of Ac.18.76 Cents in R.S. No. 5, 7, 8 and 9 of Vemavaram village for last several years and cultivate the said lands without any interrupted position and also they have paid Makta also till 2001 without any default to the land owners Lakkamraju Seetharavamma and her family members and the revenue records shows that his father is in the continuous possession of the said property. Thereafter he purchased the property an extent of Ac.13.76 cents from Lakkamraju Seetharaamma and her sons. Remaining 5 acres land was purchased by K. Sarala/7th respondent and got registered. It is submitted that the above said K. Sarala/7th respondent obtained non possessor agreement stating that she wanted to sell the property to him, hence she took Rs. 25,00,000 from him and did not registered the property to him, further he filed civil suit before the II Addl. Junior Civil Judge Vijayawada for granting

injunction order vide I.A. No. 577 of 2014 in O.S. No.906/2014 and the same was dismissed. It also submitted that the above said K. Sarala/7th respondent along with other respondents illegally trespassed the above said and threatening with dire consequences, hence requested to take necessary action.

Basing on the complaint a case in Cr.No. 287/2015 U/Sec. 447, 434, 506 r/w 34 IPC of II Town Police Station, Vijayawada City. The investigation officer took up the investigation. And the investigation is going on.”

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, the writ petition stands disposed of, by recording the written instructions dated 26.08.2015, furnished by the Sub Inspector of Police, II Town Police Station, Vijayawada City.

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

03rd September, 2015

siva