

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

WRIT PETITION No.28394 of 2015

ORDER:

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

“to issue writ of Mandamus to declare the inaction of the 1st and 2nd respondent for not taking any action against the 4th respondent illegal action and in pursuance of the proceedings of the 3rd respondent vide proceeding No.RCNo.B/430/2015 dated 21-8-2015 is illegal, arbitrary and unjust and also violation of Article 21 and 300 A of the Constitution of India and consequently direct the 2nd respondent take appropriate steps against the 4th respondent duly giving the life protection to the petitioner and his family members.”

Heard Sri B. Shiva Kumar, learned counsel for the petitioner and learned Government Pleader for Home for respondents, apart from perusing the material available before this Court.

Today, when the matter is called, written instructions, dated 09-09-2015 furnished by the Station House Officer, Kamepally Police Station, Khammam District have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is submitted that the Writ Petitioner submitted an application date 13.8.2015 to the 3rd Respondent stating that he possesses 2 acres agricultural land in Sy.No.61/1 at Govindrala Village, Kamepally Mandal, Khammam District and the 4th Respondent is obstructing him from entering the said agricultural land. Based on the said application, the 3rd Respondent through letter dated 21.8.2015 requested the 2nd Respondent Police Station to take necessary action as per law.

It is submitted that the 3rd Respondent addressed another letter date 25.8.2015 to the 2nd Respondent Police Station stating that Banoth Vasram Naik submitted an application dated 12.8.2015 to the R.D.O. Kothagudem and as such requested the Police not to initiate any action on their letter dated 21.8.2015.

In view of the subsequent letter dated 25.8.2015

addressed by the 3rd Respondent, the 2nd Respondent Police have not proceeded in the matter. The allegations to the contra made in the affidavit are false, baseless and hereby denied.

In so far as allegations made against the 4th Respondent it is submitted that the Writ Petitioner has not lodged any complaint with the Respondent Police to the said effect which itself shows that all the allegations are concocted for the purpose of the Writ Petition.”

On noticing the above said instructions, learned counsel for the petitioner has requested this Court to record the said instructions and dispose of the writ petition with a liberty to file a complaint before the respondent – Police for redressal of his grievance.

In view of the above, the writ petition stands disposed of, by recording the written instructions, dated 09-09-2015 furnished by the Station House Officer, Kamepally Police Station, Khammam District, keeping it open for the petitioner to make necessary complaint before respondent – police for redressal of his grievance and if any such complaint is filed the same be considered and appropriate action be taken by the respondent – police, in accordance with law.

Miscellaneous Petitions pending, if any, shall stand closed.
There shall be no order as to costs.

A.V. SETHA SAI, J

September 10, 2015

Note: Furnish C.C. in

two (2) days. B/o.Pn

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