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

WRIT PETITION No.25463 OF 2015

ORDER:

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

> "to issue appropriate writ, direction, or order more particularly one in the nature of writ of Mandamus or any other writ or order/direction to Respondent Nos.2 and 3 to act upon C.No.456/SDO-P/2015 dated 28.7.2015 by taking necessary action as per law
> in the interest of justice."

2. When the matter is called today, written instructions dated 17.08.2015 furnished by the Sub Inspector of Police, Manuguru Police Station, Khammam District, have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

> *"The petitioner herein had submitted petition dated 28.7.2015 to the Deputy Superintendent of Police, Manugur Division of Khammam District stating that he and his son Mr.Sambasiva Rao have been cultivating the lands in Sy.No.29/2/1 measuring an extent of Ac.9.00 gts and the lands in Sy.No.29/2/3 measuring an extent of Ac4.00 gts since 25 years. But some persons belonging to their village namely Sunnam Bhadraiah, Kodeme Bojji, Turram Lachaiah, Kodi Bojji, Tellam Dharmarao, Bommala venkati, Kodeme veeraiah, Sonde Chinnabbi, Tati Venkati,*
> *Sunnam Veewraiah, Sunnam Ramakrishna approximately 20 others came to their lands and trying to encroaching their lands and obstructing their cultivation works and further stated if they give Rs.5 lakhs they left the place or else they are illegally encroaching their lands and also threatened to kill them and also further stated that to give half of their lands to them and hence requested to take necessary action against the above named persons and to provide police protection to their lives.*
>
> *Upon receipt of the said petition, immediately, the*

Deputy Superintendent of Police, Manuguru Division endorsed it vide C.NO.4567SDPO-2015 dated 29.7.2015, directing SHO., Manuguru for necessary action.

Upon receipt of the same through proper channel, this respondent police, immediately entered the said petition into the Station General Diary stating that after conducting preliminary enquiry into the matter, action will be taken on it.

It is pertinent to submit that during the course of preliminary enquiry, this respondent police of Manuguru visited the subject lands of the petitioner in question and found that they lying vacant, no one was cultivating the lands. However, the dispute of the petitioner as well as the persons named in the complaint is purely civil in nature and hence no action was taken on the said petition except orally advising the petitioner to approach the competent court of law.

I humbly submit that no action was taken on the endorsement made by the Deputy Superintendent of Police, Manuguru on the petition of the petitioner herein since the dispute is purely civil in nature and also the they are vacant lands.

I humbly submit that the petitioner is trying to involve the respondent police into his personal and civil disputes.

I humbly submit that if the petitioner makes the persons names in the petition who alleged to have been trying to encroaching into the lands of the petitioner herein, submitted to the DSP, Manuguru Division as proper party respondents to this writ petition, the real facts would have come to light.

Since the contents of the complaint appeared to be false after conducting preliminary enquiry into the matter, no action was taken on it.

3. On noticing the said instructions, it is requested by the learned counsel for the petitioner to record the said instructions while keeping it open for the petitioner herein to avail appropriate remedy under the provisions of Criminal Procedure Code by way of filing private complaint.

4. In view of the above reasons, writ petition is disposed of, by recording the written instructions dated 17.08.2015 furnished by the Sub Inspector of Police, Manuguru Police Station, Khammam District and it is also open for the petitioner herein to proceed in accordance with the provisions of the Code of Criminal Procedure, as requested by the learned counsel for the petitioner.

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

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A.V.SESHA SAI, J

20th August, 2015
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