

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

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WRIT PETITION NO.31346 OF 2015

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ORDER:

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

“... to declare the in action on the part of the respondents 1 to 4 in not taking action on my complaint which was registered as FIR No.71 of 2015, dated 05.04.2015 to provide police assistance/protection while conducting survey of my agricultural land situated in Bhogapuram Village Vizianagaram District as illegal arbitrary and consequently direct the respondents to provide the police assistance/protection to the petitioner for fencing around her agricultural land situated in an extent of Ac.17.15 cents in Survey Nos.384, 385, 386/1 and 386/2 of Bhogapuram Village, Bhogapuram Mandal, Vizianagaram District.”

2. Heard Mr.K.Satyanarayana Murthy, learned counsel appearing for the petitioner and the learned Government Pleader for Home.

3. When the matter is called today, written instructions, dated 06-10-2015 furnished by the Sub-Inspector of Police, Bhogapuram Police Station, Vizianagaram District have been placed on record by the learned Government Pleader. The said instructions read thus:

“During the investigation apart from the petitioner, four more witnesses examined and their statements recorded under Section 161(3) Cr.P.C. The scene of offence was observed and also rough sketch was prepared. A letter was addressed to the Tahsildar, Bhogapuram seeking details about the landed property mentioned by the petitioner and reply was received vide R.C.No.142 of 2015, dated 05.05.2015 that as per ROR IB Register, Pattadar Pass Books and title deeds the land is in the name of the complainant and pattadar pass books, title deeds have issued on 14.05.2014.

The Xerox copies of the following documents collecting and kept in the CD file i.e.:

1. Copy of L.No.22 of 2011 A, dated 23.01.2011 of Tahsildhar Bhogapuram.

2. Copy of document No.4102 of 2013.
3. Copy of proceedings of the Joint Collector, Vizianagaram Rc.No.1988 of 2014, dated 27.12.2014.
4. Copy of pattadar pass book vide p.No.1873.
5. Copy of revenue reply in R.No.71 of 2015 furnished by Tahsildar, Bhogapuram vide RC.No.142 of 2015-A, dated 05.05.2015.

It is submitted that the dispute regarding the land and question come before the RDO Vizianagaram and before the Joint Collector, Vizianagaram who passed orders, dated 27.12.2014 in RC.No.1988 of 2014 SDT on a revision petition of a Kommuri Appalaswamy under Section 9 of ROR Act directing the parties to proceed to a civil Court to settle the dispute and a copy of said counter was also communicated to the petitioner through Tahsildhar, Bhogapuram Mandal.

On 06.07.2015 notices served under Section 41 A(1) Cr.P.C. were issued to A1 to A2 on 02.08.2015 issued notice to A2 and served upon them.

The charge sheet was filed in the Hon'ble Court of AJFCM, Vizianagaram on 25.08.2015, the Hon'ble Court taken on file and issued C.C.No.924 of 2015, case posted to 09.11.2015 for appearance of the accused.

It is submitted that the police protection will be provided if any survey department officials of the Government request for the same and on the order of any Court including the Hon'ble High court of A.P.”

4. On noticing the said instructions, it is requested by the learned counsel for the petitioner to dispose of the writ petition by recording the written instructions.

5. In view of the above, the writ petition is disposed of by recording the written instructions furnished by the Sub-Inspector of Police, Bhogapuram Police Station, Vizianagaram District. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.V.SESHA SAI, J

DATED: 13-10-2015

Hsd