

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

WRIT PETITION No.23618 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 action of the respondents 2 and 4 in not taking any action on the complaint made by the petitioners dated 17-5-2015, 22-5-2015, 2-6-2015, 20-7-2015 respectively against the culprits is illegal, arbitrary, unconstitutional and violation of Principles of Natural Justice and consequently direct the respondents 2 and 4 to take action against the culprits on the complaints made by the petitioners dated 17-5-2015, 22-5-2015, 2-6-2015, 20-7-2015 respectively vide Receipt No.717/215 dated 17-5-2015 forthwith.”

Heard Sri Venkata Raghu Mannepalli, learned counsel for the petitioners and learned Government Pleader for Home for respondents, apart from perusing the material available before this Court.

Counter-affidavit is filed by the Inspector of Police, Ibrahimpatnam Police Station, Vijayawada City. In the said counter-affidavit at paragraph Nos.3 to 7 it is stated as follows:

“3. It is respectfully submitted that as per the contents of the affidavit and the material papers filed in support of the writ petition it revealed that the petitioners herein sent the complaint by courier service to the respondents Police stating that the petitioners are conducting various welfare activities and those who are attending the prayer house all are employees of the VTPS. The wife of one Karre Victor contested as a sarpanch of Kondapalli on behalf YSR Congress Party. The said Karre Victor and his associates entered into the premises of the St.Thomas Church in Sy.No:433 B-Colony, VTPS Ibrahimpatnam. Krishna District disturbed the activities, prayers in the said house and threatened the petitioner with dire consequences. The petitioners requested the Police to take necessary action.

4. It is respectfully submitted that basing on the said complaint the respondent Police enquired the matter and revealed that earlier the petitioner filed W.P.No:14967/2015 against the District collector, Krishna District, Executive engineer , CAMPS & Buildings and the Station House Officer, Ibrahimpatnam Police station and sought for direction to the respondents therein to protect the property of the petitioner's Church St.Thomas Church in Rs.No:433,admessuring Ac 0.10 cents, situated at B colony, Kondapalli, VTPS, Ibrahimpatnam .Krishna District and the Hon'ble High court by orders dated :12-06-2015 granted interim orders in WPMP.No:19457/2015 which is as follows:

"The petitioner has placed on record the allotment proceedings dated: 08-12-1982 and the electricity service connection proceeding dated: 10-09-1987 which evidence its possession over the subject site.

The learned Asst. Govt., Pleader states that he is yet to receive instructions in the matter.

As of now, there is no material to disbelieve the afore-stated proceedings.

There shall accordingly be a direction to the respondent authorities not to interfere with the possession of the petitioners church over the subject site except in accordance with the due procedure laid down by law."

5. It is respectfully submitted that the respondents Police are implementing the orders of the Hon'ble High Court passed in the above writ petition. Further as per the contents of the affidavit it revealed that there was a dispute between the petitioner and the said Karre Victor with regard to the Management of the petitioner-Church for which the respondents Police nothing to do with it. The petitioners unnecessarily involving the respondents police into civil litigation.

6. It is respectfully submitted that the petitioners herein instead of approaching the Hon'ble Civil Court or revenue officials' redressal, filed the Present writ petition with baseless allegations.

7. It is respectfully submitted that it is true that on 17-05-2015. The petitioner submitted the report to this respondent which does not disclose any cognizable offences as GD entry was made in the General Diary by Issuing the receipt to the petitioner and no report was received from the petitioner dated on, 22-05.2015, 02-06-015, and 20-07-2015."

On noticing the contents of the said counter, it is submitted by the learned counsel for the petitioners to record the said contents in the counter-affidavit and dispose of the writ petition giving liberty to the petitioners to avail the alternative remedy of filing private complaint.

Recording the said statement, the writ petition stands disposed of, with a liberty to the petitioners herein to avail alternative remedy as provided under Cr.P.C.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. There shall be no order as to costs.

A.V. SETHA SAI, J

August 18, 2015

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

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