

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

Criminal Revision Case No. 2222 of 2012

Order:

This Criminal Revision Case is directed against the orders, dated 21.09.2012, passed in CC (SR) No. 842 of 2012 by the learned II Additional Special Judge for SPE and ACB Cases, Hyderabad, whereby and whereunder the complaint filed by the revision petitioner-Trust was dismissed.

2. The revision petitioner-Trust herein filed the private complaint under Section 200 Cr.P.C., against the respondents 1 and 2 herein, who are said to be the then Tahsildar, Vemulawada Mandal, Karimnagar District and the Revenue Divisional Officer, Sircilla, Karimnagar District, alleging that when they approached the respondents 1 and 2 for assignment of the land, the respondents 1 and 2 demanded a bribe of Rs.25.00 Lakhs and since that amount is not given the revenue authorities initiated eviction proceedings against them.

3. The contention of the respondents is that the revision petitioner-Trust has been filing umpteen number of writ petitions and pursuant to the orders of this Court the revenue officials have considered the request of the revision petitioner-Trust for assignment of land and since the land was not assigned to them in accordance with law, the revision petitioner-Trust has devised this method of alleging that the revenue officials have demanded a bribe of Rs.25.00 Lakhs. It is further submitted that even in the sworn statement, which was recorded by the Court below at the stage of preliminary investigation, nothing concrete was spoken to by the revision petitioner to make out any *prima facie* case either to take up investigation by the police or for taking up the complaint on file for trial.

4. Heard both sides and perused the entire material on record.

5. It is noticed that the revision petitioner-Trust is in possession of certain land, which is said to be the Government land. Originally, the revision petitioner-Trust filed WP Nos.24503 of 2004, 9742 of 2005 and 3134 of 2006 and Contempt Case

No.1162 of 2005 and the same were disposed of by this Court, by a common order, dated 03.08.2007, directing the District Collector, Karimnagar District, to consider the proposals for alienation, if any, afresh ignoring the earlier decision taken by him in the minutes/note orders dated 20.12.2005 in file No.Dis.No.E1/5892/04, after conducting detailed enquiry. Subsequently, the revision petitioner-Trust also filed W.P. No.25054 of 2007 against the revenue officials including the first respondent herein for allotment of the subject matter of the land to them. The said writ petition was disposed of by this Court, vide orders dated 16.09.2008, directing the District Collector, Karimnagar District, to call for a meeting with the Endowments Department as well as the Gram Panchayat and after negotiations, the District Collector was directed to take a decision and complete the alienation proceedings within a reasonable period of four months from the date of receipt of a copy of the order.

6. It is also noticed that the very same Trust also filed W.P. No.24633 of 2010, and this Court, by an order dated 21.10.2011, dismissed the said writ petition holding that admittedly the revision petitioner-Trust is in occupation of the Government land without allotment and the Principal Secretary, Revenue, was directed to take immediate steps for eviction of the revision petitioner-Trust.

7. It also appears that the revision petitioner-Trust has filed Writ Appeal No.1187 of 2012 against the orders, dated 03.08.2012, passed in WP No.16531 of 2011 and the Division Bench of this Court, by an order dated 21.09.2012, dismissed the said writ appeal, wherein it was held thus.

“Therefore, by any means the appellant/petitioner cannot try to protect himself or to get any benefit from this Court in any manner whatsoever. In our opinion, this writ appeal is misconceived, without any merits and has only wasted the time of the Court, as has been rightly pointed out by the Hon’ble single Judge in his order. No reasons have been stated by the learned counsel appearing for the appellant as to why they have not filed any review petition to the order in the earlier writ petition, and that no appeal was also preferred and as such that order has become final. Even then, the appellant/petitioner has filed the writ petition to get benefit from the court, by suppressing the facts and now tried to turn around and has filed this writ appeal before us, which is deprecated. The costs which have been awarded by the Hon’ble single Judge is not much to even in consonance with the writ appeal before us. Hence, the costs which have been awarded by the Hon’ble single Judge is modified to Rs.25,000/- to be paid within two weeks from today.”

8. It is manifest from the above that the revision petitioner-Trust is in the habit of filing umpteen numbers of frivolous and vexatious litigations and wasting the time of the Court as has been observed by the Division Bench of this Court. Even in the instant case, in pursuant to the orders of this Court, the revenue officials have considered the request of the revision petitioner-Trust and decided that the land cannot be alienated to them and in view of that decision, alleging that when some of the devotees of the Trust visited the revenue officials they demanded bribe of Rs.25.00 Lakhs, the present private complaint has been filed. The order of the Court below clearly shows that even in the sworn statement no specific details are given and no material is placed to show that either the Tahsildar or RDO received bribe or made demand from the devotees of the Trust. Such frivolous allegations against the revenue officials, who have been discharging their duties pursuant to the orders of this Court, cannot be countenanced. The conduct of the revision petitioner-Trust seems to be somehow or the other to harass the revenue officials to get favourable orders and filed the present complaint. Therefore, the Court below has rightly rejected to take the complaint on file and dismissed the same. There are no merits in the revision case and the same is liable to be dismissed.

9. Accordingly, the Criminal Revision Case is dismissed.

10. As a sequel thereto, the miscellaneous petitions, if any, pending in the Criminal Revision Case shall stand closed.

M.S.K. JAISWAL, J.

Date: 16.06.2015

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