

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.24663 of 2011

ORDER:

Heard learned counsel for the petitioner and the learned counsel for the respondents.

With the consent of both the parties, the writ petition is disposed of at the admission stage.

The present writ petition came to be filed to declare the inaction of 1st respondent in granting permission to the petitioner to prosecute the 2nd respondent and his assistant under Sections 503 and 506 IPC for making tom-tom in the village not to assist any labour to the petitioner in the agricultural operations, though status-quo order is in force in civil suit in O.S.No.20 of 2009 on the file of Junior Civil Judge's Court, Ichapuram, as illegal and arbitrary.

The averments in the writ petition are as under:

The petitioner purchased lands admeasuring Ac.03-25 ½ cents in survey No.642 and Ac.0-44 cents in survey No.663/2 during December, 2003 and March, 2004 and took possession of the same. After purchase, the petitioner converted the bits of lands in survey No.642 as a single plot. Since the date of purchase, he is in possession and enjoyment of the lands. While so, the neighbouring land owners started making efforts to grab the petitioner's land and also interfering with his possession. It is stated that the 2nd respondent issued a notice dated 10-07-2009 to the petitioner stating that the lands purchased by the petitioner is covered by some other survey numbers and the same belong to the Government. Challenging the same, the petitioner filed O.S.No.20/2009 before the Junior Civil Judge's Court, Ichapuram and *status quo* order was passed by the said Court. It is stated that on 12-07-2011, the 2nd respondent made tom-tom through his assistant in the village directing the villagers not to assist any labour to the petitioner in the agricultural operations in cultivating the land. The 2nd respondent himself also threatened the petitioner with dire consequences, if he ploughs the land. As the 2nd respondent is a government servant, sanction is required to be taken from

the competent authority for initiation of prosecution against him. Hence, the petitioner made a representation before the 1st respondent on 18-07-2011 seeking sanction to prosecute the 2nd respondent and his assistant. As the 1st respondent did not act upon the same till date, the writ petition came to be filed.

Without going into the merits of the case and having regard to the facts and circumstances of the case, the present writ petition is disposed of advising the 1st respondent to dispose of the application dated 18-07-2011 made by the petitioner, if the same is made and still pending for consideration, within a period of eight weeks from the date of receipt of the order, in accordance with law.

As a sequel thereto, Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

20-07-2015

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