

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.1215 of 2011

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Between:

1. Uddagiri Venkata Rama Rao and another

PETITIONERS

AND

1. The Station House Officer, Devipatnam P.S., East Godavari District, and others.

RESPONDENTS

ORDER:

This writ petition is filed alleging non-consideration of the representations made by the petitioners on 10.07.2010 and 11.11.2010 by respondents 1 and 2, viz., the Station House Officer, Devipatnam P.S., East Godavari District, and the Tahsildar, Devipatnam Mandal, East Godavari District.

The complaint dated 10.07.2010 reads as under:

“We are absolute owner of the lands to an extent of Ac.1.00 in Sy.No.253/2 and Ac.5.00 in Sy.No.253/1 and living by personally cultivating the same. While tht being so, the residents of Indukuru Village namely 1.Ereti Brahmaji Rao, 2. Ereti Appalakonda, 3. M.V.V.Narayana (Chinni), 4. Kedari Srinu, 5. Kommu Sosayya and some others forcibly trying to grab our lands. Against orders in CMA No.17.2007, dated 7.07.2009 we filed W.P.No.17850/2009 and obtained stay orders from High Court on 26.08.2009.

One week back when we are cultivating the lands yesterday i.e., on 10.07.2010 the above persons attacked on us with swords an sticks while we are harvesting and obstructed. Even though we have shown the stay order of the High Court and requested them not to disturb, they have scold us with filthy language and thrown away forcibly. When they tried to kill us, we abscond fro there and giving this complaint.

Hence we request you to take necessary action on the above persons for forcibly attacking us and trying to kill us. We further request you to give protection to cultivate our lands.”

The grievance being non-registration of F.I.R., by the Station House Officer as is required under the Code of Criminal Procedure, this Court issued notice before admission on 28.01.2011. Though the matter is pending since then, till today, no counter affidavit has been filed denying the allegations of the petitioners.

However, on instructions, the learned Assistant Government Pleader for Home submits that no complaint has been received by respondents 1 and 2 either on 10.07.2010 or on 11.11.2010.

This Court to verify the truth or otherwise of the petitioners’ allegation, directed the petitioners to file concerned material to support his contention. Nothing has been placed before this Court till today.

In that view of the matter, without expressing any opinion of the merits of the writ petition, giving liberty to the petitioner to approach the authorities, if they are still aggrieved, the writ petition is closed. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

26th March, 2015

Js.