

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

WRIT PETITION No.25678 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 5th respondent in enter fearing the 1st petitioner land in SY.No: 328 AC 2-75 cents, and the 2nd petitioner land in SY.NO: 328 extent of AC -2.75, similarly the 3rd petitioner land in SY.NO: 328 extent of AC -. 2.75, Cents out of AC 10-98 cents, total AC.8.25,Cents, in Kundurpi Grama Fields Kundurpi Mandal, Anantapuram District without having Jurisdiction and enter fearing civil disputes, and threatening the petitioners not to enter the petitioners lands is illegal unjust without Jurisdiction, consequently direct the 5th respondent not to interfere the petitioners respective extents.”

Heard Sri Kothapalli Ram Moham, learned counsel for the petitioners and learned Government Pleader for Home for respondents, apart from perusing the material available before this Court.

Today, when the matter is called, written instructions, dated 28-08-2015 furnished by the Sub-Inspector of Police, Kundirpi Police Station, Anantapuram District have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is respectfully submitted that the contention of the petitioners that the 5th respondent-Station House Officer,, Kundirpi Police Station, Anantapuram District interfered and threatened the petitioners not to enter into their lands in Sy.No.328, situated at Kundurpi, Anantapur District is false, hence denied.

It is submitted that the 2nd petitioner/P.Gangappa filed a private complaint U/s.200 Cr.P.C., on the file of the Hon'ble Court of Junior Civil Judge, Kalyandurg, Anantapuram District against the respondents 6 to 8 as A2, A3 and A5 and others alleging that they forged and fabricated the documents of the complainant.

It is respectfully submitted that basing on the said complaint a case in Cr.No.30/2015, dated 24-04-2015 U/s.109, 420, 465, 468 r/w.34 IPC and Sec.156 (3) Cr.P.C. has been registered against the respondents 6 to 8 as A2, 3 and A5 and others on the file of Station House Officer, Kundirpi Police Station, Anantapuram District and investigation has been taken up.

It is respectfully submitted that during the course of investigation the complainant and three witnesses have been examined and recorded their

detailed statements. It is respectfully submitted that the case is under investigation for want of original documents from the accused persons and as per the evidence, the investigation will be finalized in accordance with law and file an appropriate report before the concerned Hon'ble Court as expeditiously as possible.

It is further submitted that the respondents 6 to 8 herein are filed a Revision before the Joint Collector, Anantapur district and orders passed by the Revenue Divisional Officer, Kalyandurg in favour of the petitioner. The same is pending.

Except registering the above FIR this respondent police never interfered with the land of the petitioners herein at any point of time."

On noticing the above said instructions, learned counsel for the petitioner has requested this Court to record the said instructions and dispose of the writ petition.

In view of the above, the writ petition stands disposed of, by recording the written instructions, dated 28-08-2015 furnished by the Sub-Inspector of Police, Kundirpi Police Station, Anantapuram District.

Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.V. SESA SAI, J

September 11, 2015

Note: Furnish C.C. in

one week. B/o.Pn

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