

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

WRIT PETITION No.19774 OF 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue a writ of mandamus or any other appropriate writ or direction declaring the action of the Respondents 2 and 3 in calling the petitioner to the police station and pressuring the petitioner not to enter into his lands in Sy.No.610/1L4 admeasuring Ac.1.00 and Sy.No.633/A admeasuring Ac.4.08 cents situated in Muddavaram Village, Bethamcharla Mandal, Kurnool District, as illegal, arbitrary and one without jurisdiction and pass such other or further orders as the Hon'ble Court feels deem fit and proper in the facts and circumstances of the case.”

2. When the matter is called today, written instructions dated 07.07.2015 furnished by the Assistant Sub Inspector of Police, Bethamcherla U/g Police Station, Kurnool District, have been placed on record by the learned Government Pleader for Home. In the said instructions, it is stated as follows:

“ The facts of the case are that on 12.06.2015 the 5th respondent-B.Venkata Ramudu, lodged a complaint with the respondent police station, stating that on 18.02.1998 he purchased the land in Sy.No.633/1A, admeasuring Ac.4.08 cents of Musalicheruvu Village from the petitioner herein and obtained pattedar pass book. The petitioner and his son tried to occupy the said land and threatened not to enter into the said land. The complainant requested the police to take necessary action.

Basing on the said complaint this respondent enquired the matter and revealed that the complainant/5th respondent and the petitioner herein having pattedar pass book with regard to the land in Sy.No.633/1A, admeasuring Ac.4.08 cents of Musalicheruvu Village and their names also entered in ROR, Adangal in one line. It is submitted that both the parties claiming the said land and there was a likelihood of

breach of peace and blood shed. Hence, the respondents police submitted a report on 13.06.2015 to the Mandal Executive Magistrate, Bethemcherla requesting to initiate proceedings U/s.145 Cr.P.C.

It is submitted that after enquiry in detailed the Mandal Executive Magistrate, Bethemcherla initiated proceedings U/s.145 Cr.P.C. and directed both the parties not to enter into the disputed land until further orders vide M.C.No.46/2015 dated 30.06.2015. The proceedings are existing. The copy of proceeding is enclosed herewith for kind perusal of this Hon'ble Court.

It is respectfully submitted that the contention of the petitioner that the respondents 2 and 3, Circle Inspector of Police and Sub Inspector of Police, Bethemcherla Police Station, Kurnool District, interfered with the land of the petitioner by calling the petitioner to the police station and pressurized him not to enter into the land in Sy.No.610/1LA, admeasuring Ac.1.00 and Sy.No.633/A, admeasuring Ac.4.08 cents, situated at Muddavaram Village, Bethemcherla Mandal, Kurnool District is false, hence denied. It is further submitted that the respondents police maintaining law and order problem to keep peace and tranquillity in the area, but it does not mean interference and harassment of the respondent police."

3. In view of the written instructions furnished above, the relief in the present writ petition, as sought for by the petitioner herein, cannot be entertained. However, it is open for the petitioner herein to avail the remedies as per law.

4. In view of the above observation, the writ petition stands closed.

5. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

04th August, 2015

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