

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.4371 of 2015

ORDER:

Heard.

The petitioner herein claims to be the owner and possessor of agricultural land admeasuring Ac.1-36 gts., in Sy.No.35/3 situated at Narsapuram Revenue Village, Damaracherla Mandal, Nalgonda District. Alleging that respondents 3 and 4 herein are interfering with his possession, the petitioner has approached the Principal Junior Civil Judge, Miryalaguda, and filed O.S.No.302 of 2008 and the said suit was decreed on 03-02-2009 by granting a decree of perpetual injunction against respondents 3 and 4 herein. The petitioner states that though the said decree is subsisting and has attained finality, respondents 3 and 4 are interfering with his possession. Hence, the petitioner sent a complaint to the 2nd respondent by post, but no action was taken. Thereafter, the petitioner made another complaint before the 2nd respondent on 02-03-2015, so as to ensure that the decree is implemented on ground and not violated by respondents 3 and 4.

Learned Government Pleader has received instructions, which state that the petitioner's complaint, dated 03-02-2015 was received by post and after examining the same, the 2nd respondent has not taken any action, as the matter is of civil in nature. However, subsequently, another complaint was made by the petitioner. Based on which, a case in Cr.No.44 of 2015 was registered on 02-03-2015 on the file of the 2nd respondent and investigation is taken up. It is stated that since the investigation is only at the initial stage, appropriate action will be taken against respondents 3 and 4, who are arrayed as accused in the said FIR and that appropriate report under Section 173 Cr.P.C. will be filed before the concerned criminal court at the earliest.

So far as the decree as aforesaid is concerned, the petitioner

states that he has already filed E.P.No.101 of 2014 before the Court of Principal Junior Civil Judge, Miryalaguda. Evidently, since the decree in favour of the petitioner appears to have attained finality, the 2nd respondent is bound to ensure that the decree is implemented on ground.

The 2nd respondent shall, therefore, complete the investigation in Cr.No.44 of 2014 at the earliest and then take appropriate steps in accordance with law. Meanwhile, the petitioner is at liberty to prosecute E.P.No.101 of 2014 pending before the Court as referred to above.

Accordingly, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 04-03-2015

Prv

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