

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

WRIT PETITION No.22434 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 respondents, including the 5th respondent in not taking any action in pursuance of the petitioners representations dated 26-06-2015 and 06-07-2015 against the party respondents for interfering with the personal life and liberty and property of the petitioners as arbitrary, illegal, discriminatory violating Articles 14 and 21 of the Constitution of India and also violating the provisions prevention of SC/ST Atrocities Act and consequently direct the respondents, particularly the 5th respondent to initiate legal and criminal proceedings against the party respondents under the provisions of prevention of SC/ST Atrocities Act, in pursuance of the representations made by the petitioners, dated 26-06-2015 and 06-07-2015, and protect the lives of the petitioners, and further direct the respondents restraining the party respondents from interfering with personal life and property of the petitioners in Sy.No.867 admeasuring Ac.4-00 situated in Korremula village, Ghatkesar mandal, Ranga Reddy district.”

Heard Smt.S.V. Indira, 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 29-07-2015 furnished by the Sub-Inspector of Police, Ghatkesar Police Station have been placed on record by the learned Government Pleader for Home.

In the said instructions it is stated that one Sri Kommu Yadaiah, S/o.Late Kommu Rajaiah, R/o.Srinivasa Nagar Colony, Medipalli, Ghatkesar Mandal, R.R. District had approached the police of Ghatkesar Police Station, Cyberabad Commissionerate and lodged a complaint on 23-07-2015 stating that Mr. Bijjili Bikshapathi and others who are the writ petitioners herein and residents of Korremula village, Ghatkesar mandal and also one Mr.Kishan Rao with a

malafide intention, willfully created fake and fabricated documents in respect of the land in Sy.No.867, situated at Korremula village, Ghatkesar mandal belonging to him and on 22-07-2015 at about 15.00 hours they criminally trespassed into the said land and damaged the boundary stones with an intention to occupy the land.

The said instructions further state that basing on the said complaint, Ghatkesar police, Cyberabad on 23-07-2015 registered F.I.R.No.325 of 2015 for the alleged offences under Sections 447, 427, 468, 471 and 506 r/w.34 of I.P.C. It is further stated that all the writ petitioners herein are shown as accused in the said F.I.R. and the investigation is at the preliminary stage. It is further stated that necessary steps will be taken against the petitioners herein, depending upon the evidence adduced during the course of investigation by following the due process of law including issuing notices under Section 41-A of Cr.P.C. and basing on the outcome of the investigation, an appropriate report under Section 173 of Cr.P.C. will be filed, as expeditiously as possible, before the concerned Court.

It is also stated in the said instructions that except registration of the above case against the petitioners herein and proceeding with the investigation of the case as contemplated under law, police never interfered with the subject lands of the petitioners. It is also stated that in order to divert the attention of the investigating agency the petitioners herein filed the present writ petition. It is further stated in the said instructions that police did not receive any representations, dated 26-06-2015 and 06-07-2015 said to have been submitted by the petitioners herein, as such no action was taken. It is also stated that if the petitioners approach with any fresh representation, certainly action will be taken basing on merits.

In view of the above written instructions furnished by the Sub-Inspector of Police, Ghatkesar Police Station, the writ petition is closed with a liberty to the petitioners herein to approach the police by way of complaint, if any, if they are so advised. If any such complaint is received by the police necessary action, in

accordance with law, may be taken by the police. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

A.V. SESA SAI, J

July 30, 2015

Note: Furnish C.C. in

two (2) days. B/o.Pn

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