

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

WRIT PETITION No.25830 OF 2015

ORDER:

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

“to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not considering the application dated 27.07.2015 of the petitioner seeking protection to the petitioner for doing agricultural operations in the petitioner's lands an extent of Ac.33.04 gts in Sy No. 371 (Ac.10.25) Sy No. 398 (Ac.9.26 gts) , Sy No. 400 (Ac.12.33 gts) situated at Raghunadhapalem Village, Khammam Urban Mandalam, Khammam District is illegal, arbitrary and violation of principles of natural justice and also violation of Article 300-A of Constitution of India and consequently direct the respondents to give protection to the petitioner lands and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

2. When the matter is called today, written instructions dated 03.09.2015, furnished by the Station House Officer, Khammam Urban Police Station, have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is respectfully submitted that as per the records, it is revealed that, it is a fact that the petitioner herein has sent a petition dated 27.7.2015 through post to the Station House Officer, Khammam Urban Police Station stating that he is a resident of Khamma Urban Mandal and SC Mala by caste and that his father-in-law is the owner and possessor of the property measuring an extent of Ac.33.04 gts in Sy.No.371 (Ac.1025) Sy.No.398 (Ac.9.26 gts) , Sy.No.400 (Ac. 12.33 gts) situated at Raghunadhapalem village, Khammam Urban Mandal and District. This property was granted as Inam patta in favour of his father-in-law namely late Pothuraju Nagaiah, subsequently after his demise the

property devolved to her husband and after death of her husband, herself and her son P.Kamakalar, have been in peaceful possession and enjoyment of the said property and doing cultivation therein without any interruption. She filed a W.P.No.18812 of 2015 before the Hon'ble Court and directed the authorities to submit detailed report in this matter to the Tahsildar, Khammam. She further stated that she has been cultivating her lands and some of the real estate people with the support of political leaders have illegally entered into her land on 26.7.2015 evening at about 5.00 p.m and she along with her son with the help of the villagers are resisted them and they have obstructed her to cultivate the said lands. Hence, requested the police to look into the matter and provide protection to her lands to cultivate the same.

Upon receipt of the said petition, an entry was made into the Station General Diary stating that after conducting preliminary enquiry into the matter, action will be taken. I humbly submit that the dispute of the petitioner as well as the persons who alleged to have been interfered with the peaceful possession and enjoyment of the lands of the petitioner in question is purely civil in nature and this respondent orally suggested the petitioner to seek her redressal in a competent civil court.

If the petitioner makes the persons who alleged to have been interfering into her subject lands in question, the real facts would have come to light. The police cannot say whether the petitioner has been in peaceful possession and enjoyment of the lands in question and it is very difficult to provide protection unless there are any specific directions to the respondent police. I humbly submit that if the petitioner makes the revenue officials as party to the writ petition, they can say who are the actual owners and possessors of the lands.

Since the dispute is purely civil in nature and hence no action whatsoever was taken on the representation of the petitioner herein dt.27.7.2015."

3. On noticing the said written instructions, learned counsel for the petitioner requested this court to dispose of the writ petition by

recording the said written instructions and with a liberty to the petitioner herein to approach the jurisdictional Magistrate with necessary complaint under the provisions of Code of Criminal Procedure.

4. In view of the above, writ petition stands disposed of, by recording the written instructions dated 03.09.2015, furnished by the Station House Officer, Khammam Urban Police Station and with a liberty as prayed for.

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

07th September, 2015

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