

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

WRIT PETITION No.10561 of 2015

ORDER:

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

“to issue Writ of Mandamus declaring the inaction of the 3rd respondent in investigating into the complaint given by the 1st petitioner vide FIR No.158/2014 dated 29.10.2014 on the file of the 3rd respondent as per the provisions of the Code of Criminal Procedure and also the action of the 3rd to 6th respondents in preventing the petitioners from cutting the casurina trees from their land admeasuring Acs.2.50 cents situated in Survey No.168-2B/1 of Dopperla Village, Atchutapuram Mandal, Visakhapatnam District as being illegal, arbitrary and violative of Articles 14 and 300-A of the Constitution of India and consequently direct the 3rd respondent to forthwith take legal action on the said FIR and also direct the respondents 3 to 6 not to interfere with any activity of the petitioners including cutting of trees in the said land.”

When the matter is taken up, learned Government Pleader appearing for official respondents has placed on record the written instructions received from the Sub-Inspector of Police, Atchutapuram police station, Visakhapatnam District dated 27.04.2015. In the said instructions, it is stated that the

1st petitioner lodged a complaint with the respondent police station stating that she is the owner of the land in Survey No.168-2B/1 admeasuring Acs.2.50 cents situated at Dooperla Village, Atchutapuram Mandal and respondents 4 to 6 trespassed into her land and threatened her with dire consequences. It is stated that basing on the said complaint a case in crime No.158 of 2014 dated 29.10.2014 was registered under Sections 447 and 506 r/w 34 IPC against respondents 4 to 6 on the file of Atchutapuram police station and investigation was taken up. It is also stated that during the course of investigation the complainant and five witnesses were examined and statements were recorded and witnesses did not support the version of the complainant. It is also stated that the investigation revealed that she lodged false complaint against the accused persons. It is stated that the Assistant Superintendent of Police, Narsipatnam accorded permission to refer the case as false vide C.No.625/C-4/ASP-NPM/2014, dated 29.11.2014 and the complainant

refused to take notice and final report was filed on 29.11.2014 before the Additional Judicial First Class Magistrate, Elamanchili. In the instructions the respondents have denied their interference with the land of the petitioners. It is also stated that the respondents police are maintaining law and order to keep peace and tranquility and also visited the scene of offence at the above said land for the purpose of investigation in the above criminal case, but it does not mean interference and harassment by the respondents police.

It is submitted by the learned counsel for the petitioners that the petition may be disposed of by recording the said instructions.

In view of the same, while recording the instructions as narrated supra, the Writ Petition stands disposed of. No costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

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A.V. SESA SAI, J

Date : 03.06.2015

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