

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

WRIT PETITION No.26007 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 inaction on the part of third respondent in not protecting petitioners' lands admeasuring 50 cents each situated in Survey No. 212-8 in Pass Book No.771 and Survey No.212-7 in Pass Book No.509 situated at Masakapally Village, Peddavootalanka in K.Gangavaram Mandal, East Godavari District respectively from illegal occupation of fourth respondent is unjust, unreasonable, arbitrary and illegal and consequently direct the third respondent to protect the petitioners' lands from the illegal occupation of fourth respondent admeasuring 50 cents each situated in Survey No. 212-8 in Pass Book No.771 and Survey No.212-7 in Pass Book No.509 situated at Masakapally Village, Peddavootalanka in K.Gangavaram Mandal, East Godavari District respectively and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and render justice.”

2. When the matter is called today, written instructions dated 26.08.2015, furnished by the Station House Officer, Pamarru Police Station, East Godavari District, have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is submitted that the petitioner herein had lodged a complaint on 20.12.2014 with the Station House Officer, Pamaarru Police station, stating that, they are in possession of the land admeasuring 50 cents in Sy.No. 212-8 and 212-7, situated at Masakapally village, Peddavootalanka in K.Gangavaram Mandal, East Godavari District. But the 4th respondent and others

entered into the said land and abused in filthy language. The petitioners also submitted a representation to the Dist., Collector, East Godavari on 21.5.2013. The petitioners requested the police to take necessary action.

It is submitted that basing on the said complaint the respondent police enquired the matter and revealed that there was a civil dispute between the petitioners and the 4th respondent with regard to the land admeasuring 50 cents in Sy.No. 212-8 and 212-7, situated at Masakapally village, Peddavootalanka in K.Gangavaram Mandal, East Godavari District. The matter relates to civil in nature, hence the respondent police suggested the petitioners to approach court of law for redressal.

As per the contents of the affidavit it revealed that the petitioners herein are in possession of the above said land and the 4th respondent is trying to dispossess the petitioners from the said land. Moreover the petitioners herein submitted a representation on 1.4.2013 to the District Collector Kakinada and the Tahsildar, K.Gangavaram for taking necessary action against the 4th respondent herein, for which the respondents police nothing to do with it.

It is submitted that the petitioners' lands are under dispute, the petitioners instead of approaching the Hon'ble Civil Court filed the above writ petition with baseless allegations.

It is submitted that if the petitioner obtain an appropriate orders from the civil court, the respondent police will take necessary action in accordance with law.

It is submitted that all the other allegations made against the official respondents herein are false, baseless and hence the same are hereby denied. Hence the writ petition deserves no consideration and liable to be dismissed."

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.

4. In view of the above, writ petition stands disposed of, by recording the written instructions dated 26.08.2015, furnished by the

Station House Officer, Pamarru Police Station, East Godavari District.

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

01st September, 2015

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