

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

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WRIT PETITION No.25128 OF 2015
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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 a Writ of Mandamus declaring the action of the Respondent No.1 and 2 in interfering with the peaceful possession of the Petitioners in Plot No.99/A, Indira Nagar (V), Gachibowli, Serilingamapally (M), Ranga Reddy District, Telangana, as bad in law, violative of Principles of Natural Justice and violative of Article 21 of Constituion of India and consequently direct the Respondents No. 3 and 4 to initiate disciplinary proceedings against Respondent No.2 for his continued interference of the life and property of the Petitioners without any authority or jurisdiction, in the interest of justice and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the Case.”

2. When the matter is called today, written instructions dated 14.08.2015 furnished by the Sub Inspector of Police, Gachibowli Police Station, have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“One Mr.G.Venkata Rama Raju, son of Late Narayana Raju, resident of Kukatpally, Cyberabad had approached the Police of Gachibowli Police Station and lodged a complaint on 13.3.2015 against the petitioner M.Swaroopu and M.Yadagiri stating that the Telangana Housing Board is possessing the APHB Colony at Gachibowli, they constructed the HIGA, HIG-B, MIG and handed over to general public with all amenities and commercial land, this land handed over by HMDA to APHB on 26.11.1990. The accused persons M.Swaroopu and M.Yadagiri were criminally trespassed into APHB/THB commercial land in Sy.No. 129 and damaged the land and hence he requested the police to

take necessary action as per law.

Basing on the contents of the above complaint, a case in Cr.No.87/2015 U/secs.447, 427 IPC was registered on the file of Gachibowli Police Station, Cyberabad Commissionerate on 13.3.2015 and 2nd respondent herein has taken up the investigation.

The petitioner herein is shown as accused A1 in the FIR and her husband shown as A2.

During the course of investigation, the investigating officer - 2nd respondent herein has examined the complainant and other witnesses and recorded their detailed statements.

As per the statements of the witnesses, it is disclosed that the Telangana Housing Board is possessing the APHB colony at Gachibowli, Hyderabad. The Housing Board authorities constructed the HIG-A, H1G-B, MIG and handed over to the general public with all amenities. The above colony is having reserve open space and commercial land for providing necessary amenities. This land was handed over by HMDA to APHB on 26.11.1990 since then it is in possession of the Housing Board. The accused A1 (petitioner herein) and her husband Yadagiri both criminally trespassed into APHB (Telangana Wing)/Telangana Housing Board commercial land in [Sy.No.129](#) admeasuring 951.88 sq.yards and excavated the land for the purpose of construction and also entered into the government land and kept one barbar saloon shop known as "Vishal Mens Palour" with iron moulded box and also damaged the above said land. Thus, they have committed the offence punishable U/secs.447 and 427 IPC.

While the investigation was under progress, A1 (the petitioner herein) and her husband A2 Mr.Yadagiri were surrendered before the Hon'ble Court of XXV Metropolitan Magistrate Court at Miyapur and were released on bail on 20.3.2015.

The investigation was completed. After completion of the investigation, appropriate charge sheet was also filed before the Hon'ble Court of XXV Metropolitan Magistrate at Miyapur, Cyberabad against the petitioner herein and her husband A2, on 26.7.2015. The charge sheet is yet to be taken cognizance by the

Hon'ble Court.

It is pertinent to submit that except registration of the above crime and proceeding with the investigation of the case as contemplated under law, this respondent never interfered with the peaceful possession and enjoyment of the subject lands in question of the petitioners.

It is pertinent to submit that only to divert the attention of the investigating agency in not conducting the fair and proper investigation of the case, the petitioner mainly to escape from her liability, filed the present writ petition.

I humbly submit that mere registration of the above case and proceeding with the investigation of the case as contemplated under law, does not amount to the interference of the respondent police into the subject property of the petitioner herein.

If the petitioner makes the complainant Sri Venkata Rama Raju on whose complaint, the above case was registered against the petitioner and taken up the investigation, as party respondent to this writ petition, the real facts would have come to light.”

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

4. In view of the above, writ petition stands disposed of, by recording the written instructions dated 14.08.2015 furnished by the Sub Inspector of Police, Gachibowli Police Station.

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

18th August, 2015

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