

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

W.P.No.26014 of 2015

O R D E R:

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

“ Hon'ble Court may be pleased to issue writ or direction preferably Writ of Mandamus declaring the inaction of the 2nd respondent to proceed with the investigation on the basis of the complaint dated 13.8.2014 (vide receipt no.28) as illegal and arbitrary and consequently direct the 2nd respondent to proceed with the investigation and take action against the culprits and further direct the 2nd respondent police to provide protection to the petitioner in respect of land admeasuring Ac.1.15 gts in Sy.No.300-A, 301-A, 296/A, situated at Brahmanapally Village, Tallada Mandal, Khammam District and pass such other order or orders as the Hon'ble Court deems fit and proper in the circumstances of the case.”

When the matter is taken up for consideration, written instructions dated 21.8.2015 furnished by the Asst. Sub Inspector of Police, Tallada Police Station, Khammam District has been placed on record by the learned Government Pleader for Home and the relevant portion of the same reads as under :

“ It is true that the 2nd respondent herein had received the complaint dated 13.8.2014 (vide receipt no.28) and the same was entered in the General Diary. In the said complaint the petitioner herein stated that the said land is under dispute between him and his brother Thondapu Venkata Krishna/4th respondent herein and in this connection civil suit also filed before the Hon'ble Junior Civil Court for partition. In the complaint the petitioner mentioned that the family members/thondapu Venkataiah and others already taken away their share in the land and sold away their respective properties. Again they are trying to get benefits, hence the petitioner having life threat against the said persons. The petitioner requested the police to take necessary action.

It is submitted that pursuant to the said complaint the respondent police enquired the matter in detail and during the course of enquiry it was revealed that there was a civil dispute between the petitioner and the 4th respondent and the petitioner herein filed partition suit O.S.No.8/2011 against his brother/4th respondent, mother and sister with regard to the above said land and the Hon'ble Junior Civil Judge, Madira granted interim injunction order dated 1.2.2014 in I.A.No.11/2014, as the matter relates to civil in nature, hence the respondent police advised the petitioner to approach the Hon'ble Civil Court for redressal.

It is respectfully submitted that the petitioner herein instead of approaching the Hon'ble concerned court or revenue authorities to resolve his civil dispute, filed the present writ petition with baseless allegation.

It is respectfully submitted that as per the contents of the affidavit the petitioner require police protection to the above disputed land which is pending in O.S.No.8/2011 against his brother/4th respondent, mother and sister before the Hon'ble Junior Civil Judge, Madira and the Hon'ble Court granted interim injunction order dated 1.2.2014 in I.A.No.11/2014.

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.”

Noticing the said instructions, learned counsel for the petitioners requests to dispose of the writ petition by recording the above written instructions dated 21.8.2015 with liberty to the petitioner herein to approach the appropriate forum under the provisions of the Code of Civil Procedure for redressal of his grievance.

In view of the above, the writ petition stands disposed of by recording the above written

instructions dated 21.8.2015 furnished by the Asst. Sub Inspector of Police, Thallada Police Station, Khammam District leaving it open for the petitioner to approach the appropriate forum of law for redressal of his grievance under the provisions of the Code of Civil Procedure. Miscellaneous applications, if any pending in the writ petition, shall stand closed. No costs.

A.V.SESHA SAI, J

Date:25.8.2015
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THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

W.P.No.26014 of 2015

25.8.2015