

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

**WRIT PETITION No.19071 of 2015**

**ORDER:**

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

*“to issue Writ of Mandamus to declare the action of respondents 4 and 5 in harassing the petitioner by calling him to Police Station and threatening him to open rowdy sheet as illegal and arbitrary and consequently direct the respondents 4 to 5 not to interfere with the legal activities of the petitioner and not to open rowdy sheet against the petitioner.”*

Heard Sri N. Sekhar Reddy, learned counsel for the petitioner and learned Government Pleader for Home for respondents, apart from perusing the material available before this Court.

Today, when the matter is called, written instructions, dated 06-07-2015 furnished by the Sub-Inspector of Police, Malkajgiri Police Station and written instructions, dated 02-07-2015 furnished by the Sub-Inspector of Police, Panjagutta Police Station have been placed on record by the learned Government Pleader for Home for respondents.

Written instructions dated 06-07-2015 furnished by the Sub-Inspector of Police, Malkajgiri Police Station read as under:

*“It is respectfully submitted that the petitioner is a notorious land grabber and has scant respect towards the law and was involved in the following criminal cases:*

1. *Cr.No.321/2003 under Sections 447 and 506 r/w.189 of I.P.C of Malkajgiri P.S.*
2. *Cr.No.216/2011 under Sections 420 and 468 of IPC of Abids P.S. Hyderabad.*

3. Cr.No.102/2012 u/Secs.423, 419, 420, 120 (b), 447, 427 and 506 r/w.34 IPC of Malkajgiri P.S.
4. Cr.No.231/2012 u/Secs.465, 467, 468, 471, 447 and 427 of IPC.
5. Cr.No.686/2014 u/Secs.420, 468, 447, 427 and 506 IPC of Malkajgiri Police Station.
6. Cr.No.836/2014 u/Secs.420, 464, 471, 120 (b) IPC and 156 (3) Cr.P.C. of P.S. Malkajgiri
7. Cr.No.1048/2014 u/Secs.447, 427 IPC and Sec.5 of A.P. Land Grabbing Act and Sec.52 of A.P. Wakf Board Act of Punjagutta P.S., Hyderabad.

*It is respectfully submitted that to curb and curtail the unlawful activities of the petitioner herein in the vicinity of Malkajgiri Police Station limits and after careful perusal of the entire records, the Commissioner of Police, Cyberabad vide his Memo No.124/CCRB/ CYB/2015, dated 06-05-2015 issued instructions to the Station House Officer, Malkajgiri Police Station, to open a History Sheet (Land Grabber Sheet) against the petitioner herein who involved in 5 land grabbing cases in the limits of Malkajgiri Police Station as per APPM Order No.600-1 (E) in Form-79, A, B and C.*

*Pursuant to the Memo issued by the Commissioner of Police, Cyberabad a history sheet (Land Grabbing Sheet) has been opened against the petitioner herein on 07-05-2015 on the file of Malkajgiri Police Station and the same is being continued and renewed from time to time and it stands extended till 31-12-2015.*

*Unless and until, the unlawful activities of the petitioner herein are curtailed with an iron hand, there is every chance that he may repeat the offences. Due to fear of the petitioner no one had come forward to the Police Stations to lodge any complaints.*

*I humbly submit that on coming to know the opening of Land Grabbing Sheet against him, the petitioner with a malafide intention filed the present writ petition to prevent the police from taking any action. The History Sheet (Land Grabbing Sheet) is opened in view of the larger public interest.*

*It is pertinent to submit that the petitioner herein is doing illegal activities by grabbing the private and Government lands at Moula-Ali area, his surveillance is needed to protect the lands and to maintain Law and Order. The writ petition is liable to be dismissed at its threshold."*

Written instructions dated 02-07-2015 furnished by the Sub-

Inspector of Police, Panjagutta Police Station read as under:

*“On a complaint of Mr.Mulla Ahmed Basha, Inspector Auditor, A.P. State Wakf Board, Nampally, Hyderabad lodged with the police of Panjagutta Police Station, Hyderabad, a case in Cr.No.1048/2014 u/Secs.447, 427, 454 and 120 (B) IPC and Sec.5 of A.P. Land Grabbing Act and 52(A) of Wakf Board Act was registered against the petitioner herein on 27-09-2014 and investigated into.*

*Prima facie case is made out against the accused A1 that he has committed the offences mentioned in the FIR. Basing on the evidence, the petitioner/accused (A1) was arrested on 07-10-2014 and remanded him to judicial custody.*

*The investigation is under hectic progress for gathering of some more evidence.*

*Except the above case i.e., Cr.No.1048/2014 no other case is pending against the petitioner herein on the file of Panjagutta Police Station.*

*This respondent enquires revealed that the following cases were registered so far against the petitioner herein on the file of the following respective Police Stations.*

- 1. Cr.No.215/2011 u/Secs.420, 468 IPC of Abid Road Police Station.*
- 2. Cr.No.102/2012 u/Secs.423, 419, 420, 120 (B), 447 and 506 r/w.34 IPC of Malkajgiri Police Station, Cyberabad Commissionerate.*
- 3. Cr.No.231/2012 u/Secs.468, 471, 420, 447, 427, 120 (B) IPC and Secs.3 and 4 of A.P. Land Grabbing Act of Malkajgiri Police Station, Cyberabad Commissionerate.*
- 4. Cr.No.686/2014, u/Secs.420, 468, 421, 447, 427, 506 IPC of Malkajgiri Police Station, Cyberabad Commissionerate.*

*It is respectfully submitted that this respondent never harassed the petitioner or summoned him to the Police Station and threatened him to open rowdy sheet against him.*

*No rowdy sheet whatsoever has been opened against the petitioner till date on the file of Panjagutta Police Station, Hyderabad city.*

*It is pertinent to submit that only one case i.e., Cr.No.1048/2014 was registered on the file of Panjagutta Police Station on 27-09-2014 and the petitioner (A1) was arrested on 07-10-2014 and remanded him to judicial custody.*

*It is pertinent to submit that to escape from the criminal liability in the above cases and also to prevent the police from taking any action against him in those cases and to divert the attention of the investigating agency in not*

*conducting the investigation of the case in Cr.No.1048/2014 of Panjagutta P.S., the petitioner filed the writ petition.”*

In view of the above instructions furnished by the Station House Officers, Malkajgiri and Panjagutta Police Stations, the petitioner herein is not entitled for any relief under Article 226 of the Constitution of India.

For the aforesaid reasons, the writ petition is dismissed. There shall be no order as to costs. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

**A.V. SESA SAI, J**

August 03, 2015

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