

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA  
PRADESH

TUESDAY THE FIFTEENTH DAY OF SEPTEMBER  
TWO THOUSAND AND FIFTEEN

PRESENT  
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 28933 OF 2015

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Between:

Chalapati Jhansi Rani ... Petitioner

Vs.

The State of Telangana  
Rep. by its Prl Secretary,  
Home Department  
Secretariat,  
Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri Kowturu Vinaya Kumar

Counsel for the Respondents: GP for Home [TG]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION NO. 28933 OF 2015

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ORDER:

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

“To declare the inaction of respondent No.2 police in initiating further action including providing police protection on the basis of report of Tahsildar, Aswapuram in RC.No.B/2633/2015 dated 16/07/2015 in pursuance of the letter addressed by respondent No.2 police in C.No. 45/CI-P2/2015 dated 26/03/2015 in respect of the land admeasuring Ac:1-07 guntas in survey No.79/4/1 as illegal, arbitrary and violative of principles of natural justice and consequently to direct the respondent No.2 police to proceed further including to provide police protection in pursuance of report of the Tahsildar dated 16/07/2015 and to pass such other suitable orders as this court may deems fit and proper in the circumstances of the case.”

2. When the matter is called, written instructions dated 14/09/2015 furnished by the Inspector of Police, Aswapuram Police Station, Khammam district have been placed on record by the learned Government Pleader for Home.

3. The written instructions, reads as under:

“It is respectfully submitted that as per records, the facts of the case are as follows:

One Smt.Mandadapu Subhadra w/o Venkateswara Rao and the writ petitioner Smt.Chalapathi Jhansi Rani had approached the Police Aswarapuram Police Station and submitted

petitions against each other and requested the police to provide police protection to their lands admeasuring Ac:1-07 guntas situated in survey Nos. 79/3, 79/4 and 79/5.

Since both the parties are claiming rights and title over the lands situated in survey Nos. 79/3, 79/4 and 79/5 and creating nuisance at the disputed lands in question, a report was submitted to the Tahsildar, Aswapuram Mandal, requesting him to depute the concerned surveyor and Revenue Inspector to find out the boundaries of the disputed land in Ac:1-07 guntas in survey No.79/4 and also instructed both the parties not to enter into the above disputed lands by initiating section 145 Cr.P.C. proceedings on the above survey numbers for maintaining peace and tranquility at Mittagudem village.

Pursuant to the same, the Tahsildar, Aswapuram Mandal submitted his report vide Lr.No. B/2633/2015 dated 16/07/2015 whereunder it was stated that the subject lands belongs to Smt.Chalalpathi Jhansi Rani [writ petitioner herein] and originally the land is a patta land and hence, there is no reason to interfere with the peaceful possession and enjoyment of the suit lands in survey No.79/4/1 to an extent of Ac:2-06 guntas of Ammagaripalli Revenue Village of Aswapuram Mandal of Smt.Chalapathi Jhansi Rani.

While the matter stood thus, a complaint lodged by the husband of the petitioner herein Sri Doraiah Chalapathi, a case in Crime No.142/2015 under section 447, 427, 294-B, 324 read with 34 IPC was registered against Smt.Subhadra Mandapadu and others on the file of Aswapuram Police Station on 22/08/2015 and investigation was taken up.

Earlier on a complaint of Smt.Subhadra Mandapadu lodged with the police of Aswapuram Police Station, a case in Crime No.141/2015 under section 143, 448, 427, 324 read with 34 IPC was registered against the petitioner herein and others as they criminally trespassed into the complainant's

land and damaged the boundary sticks of the land and abused the complainant.

Both the cases i.e., Cr.No.141/2015 registered against the petitioner herein and others and Crime No.142/2015 registered on the complaint of the petitioner herein against Smt.Subhadra Mandapadu are under investigation. Necessary steps will be taken against the concerned in both the accused basing on the outcome of the investigation. Appropriate orders under section 173 Cr.P.C. will be filed in both the above two crimes before the concerned Hon'ble court at the earliest.

It is pertinent to submit that action was taken on the complaint of the petitioner herein by registering an FIR No.142/2015 against the concerned persons and taken up the investigation.

With regard to the protection is concerned, it is always open for the petitioner to file Execution Petition for implementation of judgment and decree in OS.No.59/2013 dated 13/06/2013. Unless and until, specific directions are given to the respondent police, it is very difficult for the police to provide police protection to the subject lands in question.

It is pertinent to note that for the reasons best known to the respondent police the petitioner has not made Smt.Subhadra Mandapadu who is the defendant in the suit on whose complaint a case in Cr.No.141/2015 was registered against the petitioner herein and others as proper party respondent to this writ petition. If the petitioner makes her as party to this writ petition, the real facts would have come to light.

It is also pertinent to note that in the report of the Tahsildar, it was not mentioned anywhere to provide police protection to the subject lands of the petitioner herein.”

4. On noticing the same, the learned counsel for the petitioner has requested this court to dispose of the writ petition by

recording the said written instructions.

5. In view of the above, the writ petition is disposed of by recording the reasons mentioned in the written instructions, dated 14/09/2015 furnished by the Inspector of Police, Aswapuram Police Station, Khammam district.

6. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

15/09/2015  
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HONOURABLE SRI JUSTICE A.V. SETHA SAI

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