

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.25302 OF 2011

DATED 15th JUNE, 2015

Between:

Thummeti Venkatram Reddy and another

.. Petitioners

and

The State of Andhra Pradesh represented by
its Secretary, Department of Home and others

.. Respondents

-

-

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-

WRIT PETITION NO.25302 OF 2011

ORDER

This writ petition was filed assailing the alleged action of the respondents in demolishing the subject property situated at Dharmasagar Village and Mandal, Warangal District, without authority of law. A consequential declaration was sought

as to the alleged inaction on the part of the police authorities in protecting the subject property and a further direction was sought to the State and its officials to pay compensation to the tune of Rs.25,00,000/-.

Basing on the written instructions dated 12.06.2015 received from the Station House Officer, Dharmasagar Police Station, Warangal District, the learned Assistant Government Pleader informed this Court that upon the complaint made by the second petitioner, Crime No.84 of 2011 was registered on the file of the Dharmasagar Police Station, Warangal District, under Sections 143, 427, 448 and 506 IPC read with Section 149 IPC. This crime was registered against one Nomula Mutha Reddy, the eighth respondent herein, and others. The Investigation Officer was stated to have examined several witnesses and as a *prima facie* case was made out, appropriate charge-sheet was filed before the learned IV Additional Judicial First Class Magistrate, Warangal, and the case was said to have been taken on file under C.C.No.530 of 2011 and the same is presently at the stage of trial. The Station House Officer further stated in the written instructions that the authorities had never participated in the demolition of the petitioners' property as alleged.

In that view of the matter, the grievance of the petitioners as regards the alleged inaction on the part of the police authorities stands redressed. According to the police authorities, it was the accused in C.C.No.530 of 2011 who may be responsible for the damage caused to the petitioners' premises. This aspect of the matter cannot be decided by this Court in exercise of writ jurisdiction. Unless the petitioners are able to demonstrate the complicity of the State officers in the alleged demolition, there is no question of attaching any liability upon the State. In any event, quantification of the damages payable, if any, in relation to the alleged demolition, cannot be undertaken by this Court in a writ petition, all the more so when it is not clear as to whether such demolition was even attributable to the State or its officers.

The writ petition is therefore dismissed leaving it open to the petitioners to approach the competent forum for appropriate relief in accordance with law. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

15th JUNE, 2015

Svv