

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

WEDNESDAY THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 28310 OF 2015

Between:

Mallanolla Ramulamma ... Petitioner

Vs.

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

Counsel for the Petitioner: Sri G. Rajeshwar Reddy

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. 28310 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 high handed and illegal action of the official respondents more particularly respondent No.3 in frequently summoning the petitioner to the police station, thereby threatening her with dire consequences saying that to settle the matter with the unofficial respondent No.4 in respect of land admeasuring Ac:0-34 ½ guntas in survey No.80/A, situated at Vilemela village, Ramachandrapuram Mandal, Medak district, who is no way concerned to the above property, as illegal, arbitrary and violative of the principles of natural justice and consequently to direct the respondent No.3 not to summon the petitioner to the police station while threatening her to settle the matter involving in civil matters with the respondent No.4 by interfering with the peaceful possession and enjoyment over the above said property and to pass such other suitable orders, as this court may deem fit and proper in the circumstances of the case.”

2. When the matter is called, written instructions
furnished by the Inspector of Police, BDL Bhanoor Police Station,
Patancheru Mandal, Medak district have been placed by the
learned Government Pleader for Home.

3. The written instructions, reads as under:

“ It is submitted that on 19/08/2015, the fourth respondent lodged a complaint with Bhanoor Police Station Medak district stating that their company is

having Ac:1-3 guntas land in survey No.80 of Velimala village outskirts, covered by fencing. They appointed Mr.Tirupati Rao as caretaker to look after the said land and are cultivating vegetables in the said land. While so, on 18/8/2015 at about 05:00 p.m. 1) M. Raju, 2) M.Satyanarayana, 3) M.LKrishna and 4) M.Madhusudhan Rao, all are residents of Velimala village have trespassed into their land, damaged the fencing and other structures with JCB TS-7F-T/R 1508 and also uprooted the drumstick trees, thereby caused loss. The said persons also threatened their caretaker with dire consequences. He requested the police to take necessary action against them. Based on the said complaint, FIR.No.102/2015 under section 447 read with 34, 427 IPC was registered on 19/8/2015 and took up investigation.

It is submitted that during the course of investigation, the complainant and two witnesses were examined and their statements were recorded. All of them corroborated with the contents of the FIR. During the course of further investigation, the complainant produced several documents establishing his title in respect of the land in question. It is submitted that the writ petitioner and her sons have executed registered sale deed dated 31/5/2006 in favour of Smt.M.Rajani Devi and sale deed dated 12/4/2007 in favour of Smt.M.Jayasree, who in turn executed registered sale deed dated 26/8/2013 in favour of fourth respondent company. The writ petitioner has neither got any title nor in possession in respect of the subject land. The Tahsildar, Ramachandrapuram Mandal, after hearing the complaint and the writ petitioner by Proceedings No.B/ROR/865/2014 dated 22/8/2014 also upheld the title of the complainant and directed the VRO Velimela village to mutate the land in favour of the complainant in the records while deleting the name of the writ petitioner. It is submitted that the police visited the scene of offence and conducted panchanama. It is submitted that the case is pending

investigation.

The allegation that the writ petitioner came to the Police Station for lodging a complaint against the fourth respondent but the third respondent refused to receive her complaint is false, baseless and hereby denied. The further allegation that the third respondent threatened her with dire consequences to settle the matter with the fourth respondent, otherwise she would be implicated in false cases is also false, baseless and hereby denied. It is incorrect to state that the respondent police are summoning the writ petitioner to the police station. It is also incorrect to state that the respondent No.3 in collusion with respondent No.4 interfering with the petitioner's peaceful possession of the property and involving in civil matters.

It is submitted that the case is under investigation. So far police have not issued any notices to the petitioner or any other persons for the purpose of investigation. Based on the investigation, necessary steps will be taken up in accordance with law."

4. On noticing the above written instructions, 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 submission, the writ petition is disposed of by recording the reasons mentioned in the written instructions furnished by Inspector of Police, BDL Bhanoor Police Station, Patancheru Mandal, Medak district. No costs.

6. As a sequel, miscellaneous petitions if any, pending in

this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

09/09/2015

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HONOURABLE SRI JUSTICE A.V. SETHA SAI

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WRIT PETITION NO.28310 OF 2015

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