

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

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF APRIL
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.8294 of 2015

BETWEEN

Y.Peda Veeraiah

... PETITIONER

AND

The State of Andhra Pradesh, Rep. by its Principal Secretary (Department of Home), A.P.
Secretariat Building, Hyderabad and others.

...RESPONDENTS

The Court made the following:

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ORDER:

Heard.

2. Petitioner states that he has been carrying on business in premises bearing D.No.2-53/1 in survey No.873 of Pinnelli Village, Machavaram Mandal, Guntur District, admeasuring 24 sq.yards.

He states that he constructed an RCC house in the year 2004; he was recognized as owner of the property; he was given electricity connection; and he is doing kirana business in the said shop from the year 2000. Petitioner further states that the Panchayat Secretary of Pinnelli visited petitioner's shop along with others i.e., respondent No.6 and pressurised him to vacate the same. It is further stated that the Executive Officer of the Temple is stated to have told the petitioner that the Department has not authorized any person to do any activities on behalf of the Temple. Therefore, apprehending that his shop will be demolished, he approached this court in W.P.No.41320 of 2014 whereupon this court granted interim direction, dated 31.12.2014 in WPMP No.51735 of 2014 directing the respondents therein not to interfere with the RCC Room erected by the petitioner in the subject property without following due process of law. Petitioner states that he was unlawfully and forcefully thrown out from the shop on 30.12.2014 and all his goods and belongings were thrown out. Therefore, petitioner filed a complaint before the Station House Officer, but since no action is taken, he stated to have filed a complaint sent by registered post to Superintendent of Police. However, no acknowledgment is filed. Petitioner also made a representation to the Tahsildar for extending protection to him and based on that the Tahsildar appears to have endorsed on 31.01.2015 to respondent No.3 to give police protection to them. Alleging that in spite of the said order, no police protection is granted, the present writ petition is filed complaining of inaction on the complaint of the petitioner and failure to give police protection.

3. Learned Government Pleader, on instructions, states that on receipt of the said endorsement from the Tahsildar, the respondent police visited the petitioner's shop and found that he as well as 12 others taken the shops for running their business on lease from Ramalayam temple committee on 01.01.2005 for a period of ten years and after expiry of the lease deed, they vacated the said shop. It was also stated that petitioner is not doing any business, but one Chityala Venkata Rao is running gunny bags business in the said

shop. Hence, as the petitioner was not doing business, the protection could not be provided.

4. Learned counsel for the petitioner disputes the said statement that the petitioner is not carrying on business in the said premises. However, it is evident from the averments in the affidavit that the petitioner filed the complaint before the Superintendent of Police stating that he was forcefully thrown out of his shop and he has also given names of the persons, who is stated to have raided his shops, broken the lock of the shop, and thrown out the articles.

5. It is no doubt true that since petitioner filed the complaint, aforesaid, before the Superintendent of Police, it is not on record as to what is the order passed by the Superintendent of Police on the said complaint. In any case, petitioner sent the said complaint to respondent No.2 as well as the DSP and the Circle Inspector of Police. Along with these facts, it is necessary for respondent No.3 to look into the said complaint and take appropriate action by registering the FIR and take further action in the matter in accordance with law.

6. So far as the relief sought for by the petitioner for police protection is concerned, since he is not in possession, obviously the said relief cannot be granted. Respondent No.3, accordingly, shall register the complaint and take further steps in the matter in accordance with law.

With the above direction, the writ petition is disposed of.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

April 10, 2015

Lmv