

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.19359 of 2015

ORDER

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

“to issue a writ, order or direction, particularly a Writ of Mandamus to declare the action of respondents 2 and 3 herein in not taking any action on the representation dated 27.06.2015 made by the petitioners as illegal, arbitrary and contrary to the directions of this Court and consequently direct respondents 2 and 3 herein to initiate action by stopping the illegal constructions that are being carried out by the encroachers in the lands belonging to the petitioners in Sy.Nos.418, 419, 420, 420/1 and 421 of Malkajgiri Mandal, Ranga Reddy District on the representations made by the petitioners dated 27.06.2015”.

2. Heard learned counsel for the petitioners and learned Government Pleader for Home for respondents 1 to 3.

3. Today, when the matter is taken up, learned Government Pleader for Home has placed on record the written instructions dated 07.08.2015 furnished by the Sub-Inspector of Police, Malkajgiri Police Station, Ranga Reddy District. The said instructions read as under;

“It is respectfully submitted that as per the records, it is true that one Mr.U. Ramesh had submitted a petition dated 27.06.2015 to the Deputy Commissioner of Police, Malkajgiri Zone, Cyberabad stating that Smt Yousuf Begum, w/o. Khasim Shareef was the absolute owner of the property in Sy.Nos.418, 419, 420, 420/1. After the demise of Smt Yusuf Begum, her legal heirs Dr. Mohd. Shareef and Smt Haji Begum have executed an agreement of sale on 03.01.2015 in their favour to an extent of 1800 to 2000 sq. yds and handed over the documents. On 26.06.2015 night, some land grabbers along with goondas and 50 others have encroached into the land and erected tents and further threatened that if any body attempts to interfere, they would see their end and hence requested the police to take necessary action against the persons who are the land grabbers.

Upon receipt of the said petition, the same was forwarded to the Station House Officer, Malkajgiri Police Station, Cyberabad through proper channel on 29.06.2015 and investigation was taken

up.

On receipt of the above complaint through proper channel, a case in Cr.No.497/2015 u/s.447, 506 r/w.34 IPC was registered on the file of Malkajgiri Police Station on 29.06.2015 and investigation was taken up.

During the course of investigation this respondent examined the complainant and witnesses and recorded their statements and also visited the scene of offence, drawn a rough sketch and conducted panchanama with two mediators. This respondent also issued 41(a) Cr.P.C. Notices and after completion of investigation, necessary steps will be taken against the accused in the FIR depending on the evidence adduced during the course of investigation. An appropriate report under Section 173 Cr.P.C. will be filed before the concerned Honourable Court by following the due procedure at the earliest.

It is pertinent to submit that action was taken on the representation of the petitioner herein by registering an FIR No.497/2015 dated 29.06.2015 and investigated into the matter and the investigation is pending for collection of some documents”.

4. On noticing the said instructions, learned counsel for the petitioners has requested this Court to close the writ petition by recording the same.

5. In view of the above, the Writ Petition is disposed of, by recording the instructions referred to supra. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A.V.SESHA SAI

10th August, 2015

sj