

THE HON'BLE SRI JUSTICE A.V. SESA SAI

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WRIT PETITION No.20275 OF 2015
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ORDER:

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

“to issue a writ, order or a direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in interfering with the rights of the petitioners over the land in Survey No.2 part of Patta No.585 situated at Madhurawada Village and Panchayat, Visakhapatnam Rural Mandal, Visakhapatnam District and summoning the petitioners to the police station and threatening to compromise with the third parties with reference to the said land, as being illegal, arbitrary, unreasonable and in gross violation of Articles 21 & 300-A of the Constitution of India and issue a consequential direction directing the respondents not to interfere in the civil dispute without there being any registration of crime against the petitioners with reference to the said land and pass such further order or other orders as this Hon'ble High Court deems fit and proper.”

2. When the matter is called today, written instructions dated 28.07.2015 furnished by the Sub Inspector of Police, P.M.Palem Police Station, Visakhapatnam City, have been placed on record by the learned Government Pleader for Home. In the said instructions, it is stated as follows:

“The facts of the case are that on 18.06.2015 the 4th respondent-Rathamasetty Ravi Teja lodged a complaint with the Station House Officer, P.M.Palem Police Station, Visakhapatnam City, stating that the complainant's mother by name Rathamasetty Vijayalakshmi and others are the owners of the land in Sy.No.2, situated at Madhurawada village, Visakhapatnam. The petitioners herein and others in collusion of each other forged, fabricated the documents of the said land and trespassed and tried to grab the said

land. The complainant requested the police to take necessary action.

It is submitted that basing on the said complaint a case in Cr.No.491/2015 dated 18.06.2015 U/s.120-b, 468, 471, 447, 427, 420, 506 r/w.34 IPC and Sec.3 &4 of A.P. Land Grabbing Act has been registered against the petitioners herein and others and investigation has been taken up.

It is submitted that during the course of investigation so far six witnesses have been examined and recorded their detailed statements. As per the evidence prima-facie case established against all the accused. On 19.06.2015 A-1/General Power of Attorney holder of the petitioners herein namely Pinnamareddy Ramgopal Reddy, was arrested and sent to judicial remand. The petitioners 1 to 5 herein obtained anticipatory bail on 08.07.2015 on the file of the Hon'ble Principal District and Sessions Judge, Visakhapatnam, vide Crl.M.P.No.428/2015.

It is pertinent to mention here that before filing the writ petition the respondent police registered the above FIR on 18.06.2015 and arrested the GPA holder of the petitioners herein who is A-1 on 19.06.2015 and sent to judicial remand. The matter is under investigation. After completion of investigation an appropriate report will be filed before the concerned Hon'ble Court as expeditiously as possible.

It is respectfully submitted that the contention of the petitioners that the respondents police harassed, threatened and interfered with the land of the petitioners in Sy.No.2 part of Patta No.585 situated at Madhurawada village, Visakhapatnam is false, hence denied. It is submitted that as a part of investigation the respondents police visited the scene of offence at the said land for the purpose of investigation. Moreover, the respondent police maintaining law and order to keep peace and tranquillity, but it does not mean interference and harassment of respondent police.

It is submitted that the allegation of the petitioners that on 26.06.2015 the respondents police summoned the petitioners to the police station and threatened to get the matter compromise with complainant is incorrect, baseless, far from truth and has been created for the

purpose of filing the present writ petition. It is respectfully submitted that only to divert the attention of the investigating agency filed the present writ petition with baseless allegations. All the other allegations made against the official respondents herein are false, baseless and hence the same are hereby denied. Hence, the writ petition deserves no consideration."

3. On noticing the said instructions, learned counsel for the petitioner has requested this court to record the said instructions and dispose of the writ petition.

4. In view of the above, writ petition is disposed of, by recording the written instructions dated 28.07.2015 furnished by the Sub-Inspector of Police, P.M.Palem Police Station, Visakhapatnam City.

5. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

05th August, 2015

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