

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

WRIT PETITION No.24016 OF 2015

ORDER:

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

“to issue an appropriate Writ order, or direction more particularly in the nature of Writ of mandamus and declaring the action of the respondents 1 to 4 are highly illegal, arbitrary, contrary to law and clear violation of Articles 14, 21 of the Constitution of India and principles of natural Justice and consequently to direct the 4th respondent to take appropriate action on Cr.No.56/15 dated 28.06.2015 on the file of the Poduru Police Station, West Godavari District and pass such other and further orders as or deemed fit and proper in the circumstances of case.”

2. When the matter is called today, written instructions dated 09.09.2015, furnished by the Sub-Divisional Police Officer, Narasapur Sub-Division, West Godavari District, have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is to submit that One Muddala Venkata Satyanarayana @ Chanti Kapu is a resident of Penumadam village of Poduru Mandal. His father is Muddala Subba Rao who is having 6 brothers viz., Muddala Narasimha Rao, Muddala Venkata Bangarraju, Muddala Nageswara Rao, Muddala Rama Swamy, Muddala Mutyala Rao and Muddala Gopala Rao. Chanti Kapu is eking his livelihood by doing cultivation. He is having a son and two daughters and their marriages were performed. After demise of Narayanamma, the first wife of his father Subba Rao, his father married his mother Annapuranamma and he is the only male progeny to her. His father had not distributed the property while he was alive. His father and his brothers, Narasimha Rao, Venkata Bangarraju and Nageswara Rao, all 4 brothers out of total 7 brothers who are his junior paternal uncles, had purchased land an extent of

Ac.9.68 cents from one Devarakonda Chinna Annappa. The remaining 3 brothers viz., Muddala Rama

Swamy, Muddala Mutyala Rao and Muddala Gopala Rao are no way concerned to the said land. The said land was being cultivated jointly for some time and due to ill feelings among the brothers and of their sons, they got shared their

property among them. Accordingly, his father got land an extent of Ac. 3.27 cents as his share and it was being cultivated by his younger paternal uncle Mutyala Rao for some time on lease basis. As he became old, his son Veera Raghu Krishna had cultivated the said land on lease basis. After demise of Raghu Krishna, his son Ravi Teja had cultivated the said land on lease basis. As his mother is working in Vikas Junior college at Malkipuram as clerk, Ravi Teja left their land. After that the land of L.W.8 and the land of Ravi Teja an extent of Ac.1.70 cents are being cultivated by the complainant on lease basis since 5 years. Previously, while the said land was being cultivated by Muddala Mutyala Rao on lease basis, Mutyala Rao manipulated the records and got fake Pattadar passbooks on the favour of him, his wife Suryakantham and his daughter Srungarapu Pannagaveni by managed at MRO office, Poduru. Mutyala Rao had also got registered the manipulated land an extent of Ac. 1.27 cents on the favour of his elder daughter Pannagaveni in the Palakole Sub-registrar Office. On coming to know the same, when L.W.8 questioned Mutyala Rao, he filed a civil suit against him, his son and their villager Adabala Dasu. The wife Surya

Kantham, daughter Pannagaveni of Mutyala Rao and Guddati Mahalakshmi, the daughter of Pannagaveni also filed civil suits in the court against L.W.8 Muddala Venkata Satyanarayana @ Chanti Kapu. Matter stood thus, the complainant Taneti Venkanna who is tenant of their lands came to him and informed that on 25.06.2015 at about 4.00 PM while he was working on the mound by the side of the said lands where as their family members were working in the lands of him, the accused No.1 Gurram Gangadhara Rao and A.2 Srungarapu Rama Krishna who are the son in laws of Muddala Mutyala Rao and some others came in two cars and a motor cycle and asked him to get vacated his land. When he retorted the accused, A.1 and A.2 abused him touching his caste name. They also spoiled the steeped paddy seeds and demolished the cattle shed carrying deadly weapons. The complainant also stated that the accused also set fire the heap of his fire wood ie.,

Palmyra and coconut leaves.

Basing on the report of the complainant, the SHO ASI.830 of Poduru PS registered the same as a case in Cr.No.56/2015 U/s 143,447,427,435,323, 506(2) r/w 34 I.P.C and Sec. 3(1)(x) of SC,ST (POA) Act 1989 of Poduru PS on 28.06.2015 at 7.30 PM. The original FIR along with original complainant report has been submitted to the Hon'ble court of AJFCM, Palakole. The copies were submitted to the Officers concerned.

As per the instructions of Kind Superintendent of Police, West Godavari District who has given instructions to take up investigation into this case vide proceedings in C.No.1798C2/Auth/SC.ST/2015, Dt. 28.06.2015. SDPO, Narasapuram took up investigation into this case.

During the course of investigation, the SDPO, Narasapuram visited the scene of offence, examine it in detail, drafted observation report in the presence of two mediators and a rough sketch of the scene of offence has been drawn. The scene of offence also got photographed. The witnesses 1 to 9 were examined including the complainant and recorded their detailed statements U/s 161(3) Cr.P.C..

In this case, it is submitted to the Hon'ble court that:

- 1. The investigation has been properly conducted by examining all the material witness.*
- 2. The scene of offence was examined in detailed and got drafted the observation report.*
- 3. MOs ie., partial burnt coconut and pylmarah leaves were seized from the scene of offence.*
- 4. Scene of offence was got photographed in different angles.*
- 5. Examined the complainant and his family members.*
- 6. Three independent and direct witnesses were examined*
- 7. The material witness Muddala Venkata Satyanarayana who is owner of the disputed land at present was examined who clearly stated about the root cause for the committing of offence by the accused.*
- 8. Collected the documents from L.W.8 Muddala Venkata Sayanarayana @ Chantikapu pertain to the disputed land and the civil suits pending in the Hon'ble courts at Narasapuram in this regard.*
- 9. Motive for the commission of offence has been properly established.*
- 10. Prima facie case has been established against A.1 and*

A.2 who claimed that they are having right on the disputed land which is being cultivated by the complainant on lease basis.

- 11. The Prima facie case has not been established against A.3 to A.11 at this stage and it has to be further verified.*
- 12. Criminal petition No. 6300/2015 filed by the A1 & A2 is pending in Hon'ble High court. The Hon'ble High court given order directing the respondents not to arrest the accused.*
- 13. The caste certificates of the complainant and A.1 and A.2 are to be received from the concerned Tahsildars in prescribed proforma.*
- 14. After obtaining the caste certificates, the Charge sheet will be filed in court."*

3. On noticing the said written instructions, learned counsel for the petitioner requested this court to dispose of the writ petition by recording the said written instructions.

4. In view of the above, writ petition stands disposed of, by recording the written instructions dated 09.09.2015, furnished by the Sub-Divisional Police Officer, Narasapur Sub-Division, West Godavari District.

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

16th September, 2015

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