

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

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WRIT PETITION No.21359 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 Direction; more particularly, one in the nature of a Writ of Mandamus and to call for the records pertaining to the complaint registered under the FIR.No.231 of 2013 dt.27.09.2013 of Huzurnagar Police Station and consequently direct the respondents to take action on the FIR at the earliest and also direct the respondents to implement the recommendations of the Member National Commission for Scheduled Castes dt.01.12.2011 and protect the petitioner which is done against the dalit community depriving of livelihood and with malafide intention to help the upper caste people to deprive of the petitioner livelihood and also restore possession and enjoyment of the said land being enjoyed by the wealthy upper- caste people against the Public policy of the land laws and declare the action of respondents as bad, illegal, arbitrary, unconstitutional, and pass such other order or further orders as are deemed fit and proper.”

2. When the matter is called today, written instructions dated 16.07.2015 furnished by the Station House Officer, Huzurnagar Police Station, Nalgonda District, have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is respectfully submitted that, on 28.09.2013 this respondent police received a complaint from the petitioner herein stating that the petitioner along with 22 Scheduled caste persons cultivating the lands of Sri Seetharama Chandra Swamy temple belongs to Srinivasapuram Village since 1989. The accused persons Narender Reddy, Endowment Officer and other three endowment officials has cancelled the lease deed and gave the lands to an extent of 46 Acres in Sy.No.527/1 situated at Srinivasapuram Village of

Huzurnagar Mandal to other persons on lease basis, upon which they met with Endowment Commission and the Endowment Commissioner issued instructions to the accused to give the lands to the complainant party, but by keeping the caste variation, the accused wontedly refused to give the land to them on lease basis and cheated them. Therefore, requested this respondent to take necessary action against the accused.

It is respectfully submitted that, basing on the above complaint this respondent registered a case vide Crime No.231 of 2013 U/s.417 IPC, Sec.3(i)(v)(viii)(ix)(x) of SC/ST (POA) Act, 1989 and took up the investigation. During the course of investigation the Investigation Officer i.e. SDPO, Miryalguda examined the witnesses, recorded the statements, visited the scene of offence and verified the records of Seetharama Chandra Swamy Temple and after thorough verification of endowment records and enquiry concluded that the complaint of the complainants i.e. petitioner and others is false and fabricated.

As a matter of fact the LWs 1 to 23 i.e. the petitioner herein and others failed to pay the lease amount to endowment authorities despite of notices, as such auction was conducted by authorities and allotted those land to others. Upon which the LWs 1 to 23 bore grudge against the endowment authorities including alleged accused persons and filed this false complaint against them. Moreover the LWs 1 to 23 approached the Hon'ble High Court and filed a writ petition vide W.P.No.4352/2010 to stop the proposed auction of lands, but the Hon'ble High Court pleased to dismiss the same. The Hon'ble High Court commented that, the LWs 1 to 23 i.e. the petitioner herein and the others are not entitled to the statutory benefit under Sec.82 of A.P.Charitable and Hindu Religious Institutions & Endowments Act, 1987. Merely because the lease in their favour was extended from time to time from the year 1990, the endowment authorities including alleged accused cannot be compelled to act contrary to the statutory mandate. Further the action of the authorities in putting the leasehold rights to public auction cannot be held to the arbitrary or illegal. In fact the alleged accused persons acted upon the set of laws and there is no fault,

negligence, dereliction, partiality on part of the alleged accused persons under the above submitted facts and circumstances.

It is respectfully submitted that, the CD file was sent to Superintendent of Police, Nalgonda with a request to accord permission to refer the case as False vide Lr.C.No.231/SDPO-M/2013, dated 04.09.2014. After obtaining the permission final report will be filed in the competent court.”

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

4. In view of the above, writ petition stands disposed of, by recording the written instructions dated 16.07.2015 furnished by the Station House Officer, Huzurnagar Police Station, Nalgonda 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

18th August, 2015

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