

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

WRIT PETITION No.25589 OF 2015

ORDER:

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

“to issue order, direction, more particularly, one in the nature of writ of MANDAMUS to declare the action of the respondents in not taking action on the complaint filed by the petitioner on 29.06.2015 for providing protection to the petitioner's land covered in R.S.No.21 to an extent of Ac.3.44 cts and R.S.No.22 to an extent of Ac.1.56 cts situated at Jainavarigudem Village, Buttaigudem Mandal, West Godavari District, as illegal, arbitrary and contrary to the provisions of the Criminal Procedure Code, and consequently, to direct the respondents to provide protection to petitioner's land covered in R.S.No.21 to an extent of Ac.3.44 cts and R.S.No.22 to an extent of Ac.1.56 cts situated at Jainavarigudem Village, Buttaigudem Mandal, West Godavari District, and pass such other order or orders may deem fit and proper in the circumstances of the case.”

2. Heard Sri P.R.K.Amarendra Kumar, learned counsel for the petitioner, learned Government Pleader for Home (Andhra Pradesh) appearing for respondent Nos.1 to 4 and the learned Government Pleader for Revenue (Andhra Pradesh) appearing for respondent No.5, apart from perusing the material available before this Court.

3. According to the petitioner, their family owns an extent of Ac.3.44 cents in R.S.No.21 and Ac.1.56 cents in R.S.No.22 of Jainavarigudem Village, Buttaigudem Mandal, West Godavari District. It is further pleaded that the mother of the petitioner purchased the said property by way of a registered document bearing No.11/63 dated 09.01.1963. Earlier, on the complaint made by the Special Deputy Tahsildar, Tribal Welfare, K.R.Puram, the Special Deputy Collector, Tribal Welfare,

K.R.Puram initiated proceedings under the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 and subsequently, after enquiry, on 20.01.1993, the said complaint was disallowed and according to the petitioner, the said order was not assailed by way of any appeal. It is the further case of the petitioner herein that earlier, the Revenue Divisional Officer, vide proceedings ROC.No.1049/2010/G, dated 21.07.2011, directed respondent No.4 to take necessary action against the persons, who are obstructing the agricultural operations of the petitioner. It is the grievance of the petitioner herein that despite the submission of a representation dated 29.6.2015 requesting the respondent police authorities for providing protection, no action has been taken.

4. Learned counsel for the petitioner, in support of his submissions and contentions, placed reliance on the order of this Court in W.A.No.1218 of 2012 dated 28.09.2012.

5. A counter-affidavit deposed by the Circle Inspector of Police, Jangareddygudem Circle, West Godavari District is filed on behalf of respondent No.4. Paragraph No.7 of the said counter reads as under:

"It is respectfully submitted that my enquiries revealed that as per the proceedings of the Revenue Divisional Officer, Jangareddygudem vide Roc.No.1049/2010/G dated 21.07.2011, the Station House Officer, Buttaigudem police provided police protection to the petitioner's lands. Thereafter, the petitioner herein did not approach the police station till date. As and when the petitioner herein approaches the police station, necessary protection will be provided to his land as per law."

6. On noticing the above said averment in the counter-affidavit, it is stated by the learned counsel for the petitioner herein that the petitioner herein will approach the respondent police with necessary

complaint and suitable directions may be issued to the respondent
police to act in accordance with law.

7. In view of the above submission, the Writ Petition is disposed of, keeping it open to the petitioner herein to approach the respondent police authorities by way of a complaint and if any such complaint is made, the respondent police authorities shall act in accordance with law. There shall be no order as to costs.

8. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date: 01.09.2015
AMD

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