

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIFTEEN
PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.26391 of 2014

BETWEEN

Y. Jokob.

... PETITIONER

AND

The Government of Andhra Pradesh, Rep. by Principal Secretary, Home
Department, Secretariat, Hyderabad and others.

...RESPONDENTS

Counsel for the Petitioner: MR. K. SRINIVAS

Counsel for the Respondents: GP FOR HOME (AP)

The Court made the following:

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ORDER:

Petitioner herein complains that his complaint dated 02.07.2014 made

before the Superintendent of Police, YSR District and another complaint dated 30.06.2014 made to the Sub-Inspector of Police, Mydukuru, are not being entertained and no FIR is registered. Petitioner relies upon the proceedings issued by the Tahsildar dated 24.07.2014 wherein the petitioner's request for survey is referred to and was requested to contact the police for demolition of boundaries, which are contrary to the survey.

2. Counter affidavit filed by the third respondent, however, states that on receipt of endorsement from the Superintendent of Police on the complaint of the petitioner, enquiry was made and a report was submitted to the Superintendent of Police on 08.07.2014. It is further stated that fourth respondent, brother of the petitioner, lodged a complaint against the petitioner on 17.06.2014 and on that basis, entry was made in the Register as No.245 dated 17.06.2014 and preliminary enquiry was conducted. The said enquiry revealed that there was a civil dispute between the petitioner and his brothers. However, to the extent of the boundaries claimed by the petitioner it is stated that though the revenue authorities have fixed the boundaries, the boundary stones are not found to have been removed by respondents 4 to 6 and concluding that it is a civil dispute, no further action was taken.

3. Petitioner states that on his request and on payment of challan, the survey was conducted by the survey authorities and boundaries were fixed and as such, he will produce the survey report to establish that the land is duly surveyed and boundaries were fixed.

4. In view of that, since no survey report is filed, it is not possible to adjudicate, at this stage, on the request of the petitioner in the light of the counter affidavit filed by the third respondent. Respondents 4 to 6, who are brothers of the petitioner, have not appeared in this matter in spite of service of notice. Hence, the petitioner is permitted to approach the third respondent by filing a fresh complaint appending the survey report and the sketch plan to enable the third respondent to take further action in the matter based upon

the said complaint.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

March 11, 2015
DSK