

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

WRIT PETITION No.24649 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 an appropriate Writ, or Order, or Direction, more particularly one in the nature of Writ of Mandamus, declaring the inaction of the 3rd respondent in taking action against the Respondent No.4 to 6 pursuant to the complaint dt.1-8-2015 as being illegal, arbitrary and unjust and consequently direct the 3rd respondent herein to forthwith act upon the complaint and take action against the unofficial respondents in accordance with Law.”

2. When the matter is called today, written instructions dated 28.08.2015, furnished by the Sub Inspector of Police, Mangalagiri Rural Police Station, Guntur Urban District, have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is submitted that on 1.8.2015 the Station House Officer, Mangalagiri Rural police received phone call stating that at Kaja Village some people were gathered and quarreling with each other with regard to H.No. 1-157/3, at Kaja Village. Basing on the said information, the police visited the said site and revealed that the H.No. 1-157/3, at Kaja Village is under dispute. It was further revealed that with regard to the said house, the petitioner herein filed O.S.No. 75/2011 against the respondent 4 and 5 and obtained permanent injunction order on 4.3.2013. The 6th respondent also filed O.S.No. 186/2015 against the 4th respondent and obtained interim injunction orders 29.7.2015 in I.A.No. 1075/2015 on the file of the Hon'ble Junior Civil Judge Court, Mangalagiri. As the matter relates to civil in nature, hence the police suggested both the parties to approach civil court for redressal.

It is further submitted that on 27.8.2015 the petitioner herein lodged a complaint with this respondent police station, stating that the respondents herein and others trespassed in the said house and threatened with dire consequences. The petitioner requested the police to take necessary action.

It is respectfully submitted that even though it is purely in civil in nature, basing on the said complaint a case in Cr.No. 230/2015 U/s. 448, 506, 34 IPC has been registered on 27.8.2015 against the respondents 4 to 6 and others and investigation has been taken up.

It is further submitted that the 6th respondent/ Pandi Rajesh Kumar also lodged a complaint on 27.8.2015 with this respondent police station, stating that the petitioner herein and others trespassed in the said house and threatened with dire consequences. The petitioner requested the police to take necessary action.

It is respectfully submitted that basing on the said complaint a case in Cr.No. 232/2015 U/s. 448, 506 IPC has been registered on 27.8.2015 against the petitioner herein and others. The copies of both FIRs are enclosed herewith for kind perusal of this Hon'ble Court.

It is submitted that basing on the evidence both the criminal cases will be finalized as per law and appropriate reports will be submitted before the concerned Hon'ble Court as expeditiously as possible."

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, the writ petition stands disposed of, by recording the written instructions dated 28.08.2015, furnished by the Sub Inspector of Police, Mangalagiri Rural Police Station, Guntur Urban 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

03rd September, 2015

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