

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

WRIT PETITION No.25530 of 2015

ORDER:

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

“to issue writ of Mandamus to declare the respondents 1 to 4 to act in accordance with law and forbear from interfering/obstructing the developmental activity of the petitioner over the subject land in Sy.No.1 of Hashmathpet Village, Balanagar Mandal, Ranga Reddy District covered by the final decree passed in Appln.No.711 of 2009 dt.26-02-2010 in connection with the claim of the 5th respondent in respect of Ac.3-37 guntas of the land and further direct the respondents 1 to 4 not to prevail upon the petitioner to compromise/adjust the claim of the 5th respondent as a condition precedent for carrying on the developmental work on the land.”

Heard Sri Bharadwaj Associates Law Firm, learned counsel for the petitioner, learned Government Pleader for Home for respondents 1 to 4 and Sri V. Venkata Mayur, learned counsel for the 5th respondent, apart from perusing the material available before this Court.

Today, when the matter is called, written instructions, dated 14-08-2015 furnished by the Sub-Inspector of Police, Alwal Police Station, Cyberabad Commissionerate have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“The petitioner herein had approached the Police of Alwal Police Station, Cyberabad and lodged a complaint on 22.7.2015 stating that on 22.7.2015 at about 1300 hrs one Mr.Moizuddin Khan , Hameedunnisa Begum,Sanjau Siva

Kumar Reddy, Komri Yadav, Srinivas Yadav and others were criminally trespassed into the lands in Sy.No.01, Hasmathpet, Balanagar Mandal, belongs to the Trinity Infraventures limited and damaged the boundary. When the company security persons questioned about the encroachment and illegal activities, all the accused persons manhandled and injured them and also threatened them with dire consequences not to enter into the said site.

Basing on the contents of the above complaint, a case in Cr.No.497/2015 U/secs.447, 427, 323, 506 IPC was registered on the file of Alwal Police Station, Cyberabad on 22.7.2016 and investigation was taken up.

The 5th respondent herein is herein as shown as A1 in the FIR.

While the investigation in the above said crime was under progress, on Smt.Hameedunnisa Begum, late Mohd.Ghouse Mohd (mother of the 5' respondent herein and also A2 in the FIR 497/2015) had approached the Police of Alwal Police Station, Cyberabad Commissionerate and lodged a complaint on 27.7.2015 stating that she is said to be the owner of land to an extent of Ac.3.37 gts in Sy.No.01, Hasmathpet, Balanagar Mandal, RR District and the Court also ordered to incorporate her name in the revenue records, however, some anti social elements at the behest of Sri P.S.Prasad and others who kept an evil eye over this property unlawfully entering into the subject land and demolishing the structure with the help of JCB and hence requested to take against Mr.P.S.Parthasarathi, Vijaya Kumar Goud, Krishna Rao, Vadder Yadagiri, Vadder Balram, Vadder Narsing Rao, Sardaris and others.

Basing on the contents of the above complaint, a case in CrNo.513/2015 U/secs.447, 427 IPC was registered on the file of Alwal Police Station, Cyberabad Commissionerate on 27.7.2015 and taken up the investigation.

The petitioner herein is shown as accused A1 in the FIR. Both the above two crimes registered against the petitioner herein and the 5th respondent herein, the investigation is under hectic progress to find out the facts and culprits.

It is humbly submitted that while the investigation in Cr.No.513/2015 U/Sec.447, 427 IPC, registered against the petitioner herein was under progress, the petitioner herein has filed W.P.No.24220 of 2015 praying the Hon'ble Court to quash the criminal proceedings in Cr.No.513/2015 against them.

At the admission stage, this Hon'ble Court granted

interim orders directing the police that "not to arrest the petitioner" however, investigation may go on and adjourned the matter after 4 weeks.

It is humbly submitted that the 5th respondent herein had produced the orders passed by the Hon'ble Court of 1st Addl. District & Sessions Judge. Ranga Reddy District at LB Nagar in LA.No.2159 of 2012 in I.A.No.1798 of 2012 in O.S.No.711 of 2012 dated 29.10.2012, wherein the Station House Officer, Police Station Alwal is directed to provide necessary police aid to him in order to uphold the order of the Hon'ble Court dated 5.10.2012 passed in I.A.No.1798 of 2012 on the file of the Hon'ble Court of I Addl.District and Sessions Judge. RR District at LB Nagar.

It is further respectfully submitted that earlier the 5th respondent herein had filed W.P.No.7648 of 2013 seeking a direction to the respondents not to interfere with the peaceful possession and enjoyment of land admeasuring Ac.3.37 gts situated in Sy.No.1 of Hasmathpet village, Balanagar Mandal, Ranga Reddy District. This Hon'ble Court granted interim orders in WPMP.No.9584 of 2013 in WP.NBo.7648 of 2013 dated 26.3.2015 directed that "status quo as on today in all respects including, possession, construction, alienation, creation of third part, rights, changing the nature of the subject land etc., shall be maintained until further orders."

No protection whatsoever was given by the respondent police till date. A detailed report was submitted to the Commissioner of Police, Cyberabad regarding police protection.

It is pertinent to submit that except registration of the above 2 crimes on the complaints of the petitioner herein as well as the mother of the 5th respondent herein and taken up the investigation as contemplated under law, this respondent never interfered with the subject property in question. Mere registration of the above 2 crimes as per law and proceeding with the investigation of the case as prescribed under law, does not amount to the interference of the respondent police into the subject property in question."

On noticing the above said instructions, it is requested by the learned counsel for the petitioner to dispose of the writ petition by recording the said instructions.

In view of the above submission, the writ petition stands

disposed of, by recording the written instructions, dated 14-08-2015 furnished by the Sub-Inspector of Police, Alwal Police Station, Cyberabad Commissionerate.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. There shall be no order as to costs.

A.V. SESA SAI, J

August 21, 2015

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

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