

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
WRIT PETITION No.40674 of 2012

ORDER:

This writ petition was filed challenging the action of respondents 3 to 9 in not conducting investigation in Crime No.125 of 2011 on the file of Gurla Police Station, Vizianagaram District.

2. The petitioner states that she is the owner and possessor of land of an extent of Ac.16-10 cents, Ac.13-56 cents and Ac.16-10 cents in Sy.Nos.5, 7 and 31/1 respectively, situated at Kella Village, Gurla Mandal, Vizianagaram District. She was given pattadar passbooks and title deeds by the Revenue Department in respect of the said lands. She further states that when some third parties trespassed into her lands on 25.05.2011 and caused damage to the crops, she made a complaint to the seventh respondent, but, no crime was registered. She again made another complaint on 30.11.2011 to the seventh respondent, who registered a case in Crime No.125 of 2011 and investigated the matter. She further states that the eighth respondent, by his proceedings dated 31.08.2012, referred the case "as civil in nature". Thereafter she submitted a representation to the first respondent and the same was entrusted to the second respondent for enquiring into the matter. The second respondent enquired into the matter and directed the fourth respondent to reopen the case and conduct proper investigation, vide memo dated 22.09.2012. She further states that the fourth respondent handed over the matter to respondents 5 and 6 for further investigation and report. When they failed to make proper investigation at the instance of the tenth respondent, who is a close relative of the Hon'ble Minister of State for Transport, the petitioner filed the present writ petition.

3. The learned Government Pleader, on the basis of written instructions, submits that after reopening the case, the Sub-

Inspector of Police, Gurla investigated into the matter, but referred the same "as civil in nature" on 29.12.2013. He further states that at the time of investigation, the matter was got enquired by the Inspector of Police, Vizianagaram Rural Circle under the supervision of Sub-Divisional Police Officer, Vizianagaram. The Sub-Divisional Police Officer, Bobbili and Circle Inspector of Police, Cheepurupalli were shifted in due course and they never investigated into the case. He further submits that the case itself is not pending now and the referred notice could not be served due to non-availability of the petitioner and it was sent to the petitioner by registered post on 13.01.2016. The petitioner acknowledged the same on 14.02.2016 and the police are taking steps to file a final report in the concerned Court as early as possible.

4. In view of the facts stated above, this Court feels that it is unnecessary to pursue the case further and accordingly the writ petition is dismissed giving liberty to the petitioner to take appropriate proceedings in accordance with law as and when the police file a final report before the concerned Court. No order as to costs. Miscellaneous Petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 22.02.2016

TJMR