

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**WRIT PETITION No.39896 of 2016**

**ORDER:**

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of the 3<sup>rd</sup> respondent in not registering the FIR basing on the petitioner's complaint in spite of the direction given by the 2<sup>nd</sup> respondent vide endorsement in CCC No.3638/2016/C.Cell, dated 28.09.2016, as illegal and arbitrary.

Heard and perused the material available on record.

The case of the petitioner is that the petitioner, who belongs to Scheduled caste community, is a physically challenged person. The petitioner and Smt. Subbalakshamma purchased agricultural land in Survey No.121/4A, situated at Machanapalle Village, Duvvuru Mandal, YSR Kadapa District, for consideration vide document No.605 of 2001, dated 02.08.2001. The main grievance of the petitioner is that the 4<sup>th</sup> respondent is trying to trespass into the land with an intention to grab the same and threatened the petitioner in filthy language by touching his caste name to sell away the land to him. Aggrieved by the same, the petitioner approached the 3<sup>rd</sup> respondent and lodged a complaint on 24.09.2016 to take necessary action, but the 3<sup>rd</sup> respondent did not register the same. The petitioner has also approached the 2<sup>nd</sup> respondent on 28.09.2016, who in turn directed the 3<sup>rd</sup> respondent to take necessary action.

The main contention of the learned counsel for the petitioner is that the 4<sup>th</sup> respondent got registered the land of the petitioner wrongfully and unfairly in his name by alluring Smt. Subbalakshamma, who is the joint registrant of the land, by submitting fake document No.605/2001 by affixing wrong photos and by affixing thumb impressions. Learned counsel further submitted that the

grievance of the petitioner is only against the 4<sup>th</sup> respondent and not against the officials of the Sub-Registrar's office.

Considering the grievance of the petitioner and the submissions of the learned counsel for the petitioner, the 3<sup>rd</sup> respondent is directed to verify the complaints, dated 24.09.2016 and 28.09.2016, and register the same, if the complaints lodged by the petitioner, dated 24.09.2016 and 28.09.2016, discloses any cognizable offence and investigate into the same and file a final report if any. If the petitioner is aggrieved by the action of the 3<sup>rd</sup> respondent, he is at liberty to approach the superior officer of 3<sup>rd</sup> respondent and also to approach the concerned Court by invoking provision under Section 200 Cr.P.C.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

**RAJA ELANGO,J**

Date: 18<sup>th</sup> November, 2016

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