

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.37633 of 2015

ORDER:

The prayer of the petitioner in this case as under:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue an appropriate Writ or Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of 2nd & 3rd respondents in interfering into possession and enjoyment of petitioner over the land Sy.No.25/A & 25/C total admeasuring Ac 2-18 gts situated in the limits of Nasnoor Village, Waddepalli Mandal, Mahabubnagar District frequently till disposal of suit O.S.No.29/2013 on the file of Wakf Tribunal, Hyderabad as illegal, arbitrary and violative of principles of natural justice and consequently direct respondents No.2 to 5 not to interfere into possession and enjoyment of petitioner over the land Sy.No.25/A & 25/C total admeasuring Ac 2-18 gts situated in the limits of Nasnoor Village, Waddepalli Mandal, Mahabubnagar District frequently till disposal of suit O.S.No.29/2013 on the file of Wakf Tribunal, Hyderabad and even thereafter unless petitioner will be evicted or dispossessed under due process of law by competent civil court and pass such other order or orders as the Hon'ble court may deem fit and proper in the interest of justice.”

The Sub-Inspector of Police, Rajoli Police Station, Mahabubnagar District, filed a counter-affidavit stating that upon a complaint made in relation to the petitioner and others, Crime No.50 of 2015 was registered on the file of Rajoli Police Station under Sections 188, 427 and 447 I.P.C. The petitioner along with two others were shown as the accused therein. The Sub-Inspector stated that in the course of investigation in the said crime, the revenue officials were asked to visit the subject site. He further stated that notice under Section 41A Cr.P.C. was also issued to the petitioner. The allegation of the petitioner that the police and the revenue authorities threatened her was denied. The Sub-Inspector further stated that three electric

motors fitted to bore-wells for irrigation were seized in the presence of mediators under a panchanama and were deposited before the competent court. He denied the allegation that the police authorities pressurized the petitioner to vacate the subject property.

Though a reply-affidavit was filed by the petitioner reiterating her contention that she was being subjected to harassment, this Court is of the opinion that once a crime is registered against the petitioner, the police authorities necessarily have to investigate the same and in that process, subject the petitioner to interrogation/examination. Needless to state, the police authorities are bound to follow the due procedure laid down by law while investigating the offence and taking steps thereafter.

Subject to the above observations, the writ petition is closed. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

JUSTICE SANJAY KUMAR

9th February, 2016
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