

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38321 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to call for the records in FIR No.136 of 2016 and to quash the same.

The case of the petitioner is that the petitioner is the owner of the land to an extent of Ac. 2.55 cents in Survey No.1560/3 and 1561 of Dumpalagattu Village, Khazipet Mandal, Kadapa District, having acquired the same by way of inheritance. The Tahsildar, Khazipet Mandal, issued show cause notice, to evict the petitioner, but the Tahsildar, without conducting enquiry, passed the impugned proceedings on 07.04.2016 and directed the petitioner to evict from the land. The grievance of the petitioner is that the 3rd respondent has lodged the present complaint against the petitioner alleging that the petitioner has been evicted on 23.09.2016, but on 17.10.2016 again the petitioner planted paddy and thereby rasta is blocked and the ryots made complaint to take action for free passage. Basing on the same, the 1st respondent registered the same as FIR No.136 of 2016 for the offences punishable under Sections 447, 427, 341 and Section 3 of the P.D.P.P. Act.

Learned counsel for the petitioner submitted that when appeal is pending before the Revenue Divisional Officer, the Tahsildar cannot dispossess the petitioner.

Considering the grievance of the petitioner, the 1st respondent is directed to complete the investigation in FIR No.136 of 2016 as expeditiously as possible and file a final report, if any, either way in accordance with law, without arresting the petitioner.

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

RAJA ELANGO,J

Date: 22nd November, 2016

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