

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Writ Appeal No.878 of 2016

JUDGMENT: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

While the relief sought for in the writ petition was to direct respondents 2 and 3 to take immediate action on the complaint dated 10.06.2016, the learned Single Judge has refused to grant relief on the ground that the dispute was purely a civil dispute which should be examined by a competent civil court.

While the writ affidavit is, no doubt, silent in this regard, the complaint filed by the appellant-writ petitioner before the 3rd respondent on 10.06.2016, which forms the basis for filing the writ petition, alleges that the 4th respondent had illegally trespassed into the appellant-writ petitioner's land in Survey No.266 and was carrying on illegal mining operations thereat. The complaint also states that the 4th respondent, along with his workers, had trespassed into the appellant-writ petitioner's land on 16.05.2016 and 03.06.2016 for doing illegal mining forcefully.

The truth or otherwise of the complaint is for the Investigating Authorities to examine after registering a complaint under Section 154 Cr.P.C, and not for this Court to enquire in proceedings under Article 226 of the Constitution of India. As the complaint alleges commission of a cognisable criminal offence, the 3rd respondent is statutorily bound to register a complaint, and investigate into the matter.

Without expressing any opinion on the truth or otherwise of the complaint, we direct the 3rd respondent to register the complaint, and cause investigation thereinto strictly in accordance

with law. The order of the learned Single Judge is modified to the extent indicated hereinabove, and the Writ Appeal is disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(U.DURGA PRASAD RAO, J)

27th September 2016
JSU



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Date: 27.09.2016

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