

WRIT PETITION No.20031 of 2013

ORDER:

The petitioner filed the writ petition against the respondents i.e., 1) the Superintendent of Police, West Godavari District, 2) the Station House Officer, Chintalapudi Police Station, West Godavari District and 3) Perugu Madhava Rao, Medisettyvaripalem, Chintapalli Panchayat, with a prayer, particularly, in the nature of order or direction by Mandamus declaring the action of respondents, particularly of respondent No.2 in not considering the complaint submitted by the petitioner on 29.06.2013 to take action against respondent No.3 and provide police protection to the person and property of the petitioner in respect of Ac.0.05 cents out of Ac.0.50 cents in R.S.No.17-D of Medisettyvaripalem Village, Chintalapudi Mandal, as illegal with consequential direction to take action pursuant to the complaint of the petitioner referred supra.

Respondent No.3 is contesting through advocate and learned Government Pleader is representing respondents 1 and 2. There are no counters filed. However, it is brought to the notice of this Court that unless there are specific directions to the police to provide protection to the land of the petitioner specifically they cannot consider and it was even intimated. So far as the grievance on the complaint dated 29.06.2013 of the petitioner against respondent No.3 concerned, crime No.135 of 2013 was registered on 19.07.2013 for the offence punishable under Sections 448, 324, 506 r/w 34 I.P.C. and examined as many as nine witnesses and recorded their statements as part of investigation and it revealed that there is no such incident of trespass by respondent No.3/accused or his wife into the house of the complainant and thereby the final report was filed vide reference as false case No.410/SDO-J/Refer/2013 dated 30.08.2013.

In the written instructions dated 27.04.2016, there is nothing even to show there from as mandatorily required, the *de facto* complainant was informed about the filing of the referred final report to vindicate any of the grievance by raising protest.

Having regard to the above, the Writ Petition is disposed of directing respondents 1 and 2 to supply copy of the final report to the petitioner, within 15 days to the address given by the petitioner in the writ petition and on such receiving, the petitioner is given liberty to approach the learned Magistrate concerned by raising protest on the referred final report.

So far as providing of any police protection to the person and property concerned, the writ petition averments are general and there is nothing to show any repetition of incidents even. If at all there is any breach of peace, the petitioners are given liberty to address the Station House Officer, who in turn if it is within the parameters of maintaining breach of peace and tranquility to take measures through the Executive or Sub-Divisional Magistrate concerned. For the other requirements regarding protection of property concerned, needless to say remedies are available to the petitioner to approach any Civil Court of Law. There is no order as to costs.

Miscellaneous petitions, pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:29-04-2016

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