

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.11425 AND 27146 of 2012

COMMON ORDER:

These two writ petitions are being disposed of by this common order as they arise out of same property.

W.P.No.11425 of 2012:

2. The petitioner claims to be the owner and possessor of an extent of land admeasuring Acs.7-10 guntas and Acs.4-21 guntas in survey Nos.20 and 21 of Kothwalguda Village, Shamshabad Mandal, Ranga Reddy District, having purchased the same under a registered sale deed dated 28.10.2000. After purchase of the property, the land was mutated in the name of the petitioner, by proceedings dated 26.11.2001 of the Mandal Revenue Officer, Shamshabad. Thereafter, the petitioner came to know that the Mandal Revenue Officer, Shamshabad changed revenue records in respect of the said land in pattedar and kabzadar columns. The petitioner applied for certified copy of the pahanis and was shocked to know the changes made in those columns. The petitioner made a complaint to the respondents on 20.04.2006 against the persons, who are involved in change of names, and it was followed by another representation dated 20.10.2010. When no action was taken, the present writ petition was filed challenging the inaction of the respondents in not registering FIR on the basis of the complaint made by the petitioner on 20.04.2006.

3. The first respondent filed a counter-affidavit admitting the receipt of complaint of the petitioner dated 20.04.2006 by registered post. Since the dispute was civil in nature, no complaint was registered in the Shamshabad Police Station. It was also stated that the petitioner has a remedy of filing private complaint under Section 200 of Cr.P.C and the present writ petition was filed after lapse of more than six years.

4. If there is any grievance for the petitioner with regard to the

alterations made in the revenue records, it has a remedy under the provisions of the A.P. Rights in Land and Pattadar Passbooks Act, 1971. As rightly stated by the first respondent in the counter-affidavit, the petitioner approached this Court after six years of the alleged complaint dated 20.04.2006. The petitioner obviously did not avail the alternative remedy, but filed the present writ petition.

5. In the circumstances, this writ petition is dismissed on the ground of laches. However, this will not prevent the petitioner from taking appropriate steps in accordance with law against the alleged corrections made in the revenue records, if it is so advised.

W.P.No.27146 of 2012:

6. The petitioner claims to have purchased an extent of Acs.7-15 guntas and Acs.4-25 guntas in survey Nos.20 and 21 respectively, situated at Kothwalguda Village, Shamshabad Mandal, Ranga Reddy District under a registered sale deed dated 28.06.2000. The petitioner took possession of the said property and was running a stone crushing plant and explosive magazine in the said property. While so, one Y.Devadanam obtained a certificate under Section 38-E of the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950 and sold the said property to different persons, who in turn, sold to some others. When the said purchasers started interfering with the possession of the petitioner, it filed a suit and subsequently there are cross suits and the petitioner obtained injunction order against the third parties and the injunction applications filed by the third parties were dismissed. The petitioner states that having failed in their attempts to obtain favourable orders, the third parties started interfering with the possession of the petitioner. At that juncture, the petitioner filed W.P.No.24157 of 2008 seeking a direction to the respondents therein not to interfere with the running of its business without following due process of law. This Court, by order dated 05.11.2008, granted interim direction and ultimately disposed of the said writ petition on 21.09.2011 by directing respondents

1 to 4 therein not to interfere with the civil disputes existing between the petitioner and the unofficial respondents therein with regard to the said land, but gave liberty to the respondents to register a crime in the event of any law and order problem. When the third parties started interfering, the petitioner made a complaint on 19.05.2011 to respondents 1 and 2, and when no action was taken, the petitioner addressed a letter on 07.07.2011 seeking sanction under Section 197 of the Cr.P.C for prosecuting the officers. When no action was taken, the present writ petition was filed challenging the inaction of respondents 1 and 2 in according sanction under Section 197 of Cr.P.C. to prosecute respondents 3 to 6.

7. A counter-affidavit was filed by the first respondent stating that on receipt of representation from the petitioner, he issued instructions to the Commissioner of Police, Cyberabad to submit enquiry report. As per the said instructions, a detailed enquiry was conducted by the Commissioner of Police by appointing enquiry officer, who submitted a report to the first respondent on 05.09.2012. On perusing the enquiry report, it was revealed that respondents 3 to 6 acted as per the procedure and took necessary action on the petitions filed by the petitioner. Since dereliction of duty was not proved, the sanction permission to prosecute them was not granted. It was also noticed that the petitioner has not filed any private complaint.

8. Respondents 3 to 6 are Station House Officer, Sub-Inspector of Police and Assistant Commissioner of Police, who was retired by that time. It is clear from the above facts that there were some civil disputes between the petitioner and the third parties. This Court did not prevent the officers from registering criminal complaints in the event of law and order problem. The first respondent made appropriate enquiries and came to the conclusion that there was no need to issue orders of sanction to prosecute respondents 3 to 6. In the absence of any material filed before this Court by the petitioner justifying the relief as sought, this

Court is not inclined to entertain the present writ petition and the same is dismissed.

9. Hence, the writ petitions are, accordingly, dismissed. No order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 28.03.2016

TJMR