

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.42060 of 2015

ORDER :

Heard counsel for the petitioner, the Government Pleader for Home appearing for respondents 1 to 3 and Sri N.Mukunda Reddy, counsel for respondents 4 to 6.

2. Petitioner's grievance is that respondents 2 and 3 are interfering in the civil dispute between him and respondents 4 to 6 and they have not taken any action even though respondents 4 to 6 have trespassed into the petitioner's land and taken away petitioner's cotton crop and paddy in October and December, 2015.

3. Petitioner contends that in spite of the fact that he requested for police protection to harvest paddy, such protection was not given by the respondents 2 and 3.

4. The Superintendent of Police-2nd respondent filed a counter affidavit stating that the petitioner had earlier filed W.P.No.21809 of 2015 and sought a direction that police should not interfere in the civil disputes between him and respondents 4 to 6, and this Court had granted an order on 13.10.2015 directing the respondents 2 and 3 not to interfere with the civil dispute except in accordance with law and so the respondents 2 and 3 are implementing the orders of this court. He states that petitioner's complaints dt.03.08.2015 as well as 19.11.2015 were received by the 3rd respondent; that in those complaints petitioner apprehended danger to his life and requested the police to take action; and that Crime No.84 of 2015 dt.19.11.2015 was registered against respondents 5 and 6 and others by the 3rd respondent invoking Sections 447, 379 read with 34 IPC. He also stated that a subsequent

complaint dt.03.12.2015 was also received by post by the 3rd respondent alleging theft of cotton crop but the petitioner did not approach the 3rd respondent and even though the 3rd respondent tried to secure the presence of the petitioner, he did not turn-up, but the same was entered in the General Diary. He further stated that the petitioner's representation to the 2nd respondent was forwarded to the Circle Inspector of Police on 07.12.2015, and the latter enquired into the matter and noted that already an FIR was registered. He stated that investigation would be completed as per law and an appropriate final report would be filed before the concerned Court. He denied the allegations made by the petitioner that on the instigation of the 5th respondent, the 3rd respondent harassed and threatened the petitioner not to enter into the subject land.

5. The 3rd respondent also filed a counter affidavit denying the allegations made by the petitioner that he is interfering in a civil dispute between the petitioner and respondents 4 to 6. He stated that Crime No.84 of 2015 had already been registered against respondents 5 and 6 and even on the complaint dt.03.12.2015, sent by the petitioner through post, an entry was made in General Diary and necessary action would be taken.

6. Having regard to the stand taken by respective parties, since already petitioner had obtained an order dt.13.10.2015 in W.P.No.21809 of 2015 restraining the police from interfering with the alleged rights of the petitioner in the subject land, another order of the same nature is unnecessary. The 3rd respondent had already registered Crime No.84 of 2015 and has made an entry in the General Diary in respect of the subsequent complaint dt.03.12.2015. So, petitioner is directed to

appear before the 3rd respondent for recording his statement, so that further action can be taken on the petitioner's complaint dt.03.12.2015. It is also open to the petitioner to approach the competent Civil Court for appropriate relief against the interference by respondents 4 to 6, if he is so advised. The further prayer of the petitioner that police should give protection to the petitioner to enter into the land and cultivate the same, cannot be granted, since the petitioner has to approach the competent Civil Court in this regard. Otherwise, it would result in 3rd respondent interfering in the civil dispute between the petitioner and respondents 4 to 6, which is specifically prohibited by the order dt.13.10.2015 in W.P.No.21809 of 2015.

7. Therefore, this Writ Petition is disposed of directing the respondents 2 and 3 to investigate the Crime No.84 of 2015 as well as the subsequent complaint dt.03.12.2015 made by the petitioner against respondents 5 and 6 and file a final report in the competent Court. There shall be no order as to costs.

8. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S. RAMACHANDRA RAO, J

12th August, 2016.
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