

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.38431 of 2012

ORDER:

1. The petitioners state that the land to an extent of Ac.12.30 guntas in Sy.No.459 of Maheshwaram village and Mandal, Ranga Reddy District, is a patta land and it belongs to one Khaja Mohiuddin and others. The petitioners purchased an extent of Ac.3.38 guntas in Sy.No.459 and Ac.1.12 guntas in Sy.No.460 under a registered sale deed dated 06.05.2002 from the subsequent purchasers of the original owner. The names of the petitioners and their vendor were recorded in the revenue records. The petitioners made several representations to the revenue authorities for conducting survey and when they did not take any action, the petitioners approached this Court and filed W.P.No.10799 of 2011 and the same was disposed of by this Court on 19.04.2011 directing the respondents therein to complete the survey and demarcation exercise within a period of four months. Thereafter, when the Tahsildar, Maheshwaram Mandal, went for demarcation purpose, the adjacent land owners objected to the survey of the land. The petitioners made a request for grant of police protection and when the same was not granted, the petitioners approached this Court and filed W.P.No.28253 of 2012. In the said Writ Petition, the learned Government Pleader for Home submitted that it is for the 3rd respondent in W.P.No.10799 of 2011 to conduct survey and he had to make a request for police protection and if such a request is made by the Tahsildar, Maheshwaram Mandal, necessary police protection would be made. Recording the said submission made by the learned Government Pleader for

Home, the W.P.No.28253 of 2012 was closed on 20.11.2012.

2. Now, the present writ petition is filed stating that in spite of the representation dated 07.12.2012, the police protection was not granted for the purpose of survey and demarcation of the land.

3. None of the respondents filed any counter-affidavit. However, the learned Government Pleader for Home submitted written instructions given by the Sub Inspector of Police, Maheswaram Police Station, which reads as follows:

“It is humbly submitted that the records further revealed that, as of now, no requisition has been made by the Tahsildar, Maheswaram Mandal with this respondent police station seeking any police protection in conducting survey and demarcation of lands in Sy.Nos.459 and 460 situated at Maheswaram Mandal. I humbly submit that this respondent is ready and willing to provide police protection if any requisition is made by the revenue authorities. There is no specific direction to the respondent police either in W.P.No.10799 of 2011 or in W.P.No.28253 of 2012 to provide police protection to the subject lands in question at the time of survey and demarcation of the same. I submit that the entire issue is civil in nature and the action of the police in this regard is very limited. Unless and until, there are any specific directions from the Hon'ble Court or any requisition made by the revenue authorities seeking police protection at the time of conducting of survey and demarcation of the subject lands, it is not possible for the respondent police to provide protection to the lands of the petitioners herein. If the petitioners make the persons who alleged to have been obstructed at the time of survey and demarcation as party respondents to this writ petition, the real facts would have come to light.”

4. Learned Government Pleader for Revenue, on the basis of the instructions given by the Tahsildar, Maheswaram Mandal, submitted that there is a discrepancy in the boundaries

and when the Tahsildar went for demarcation, the adjacent land owners objected to the survey of the land. Further it is noticed that there was a standing crop in Sy.No.459, whereas the land in Sy.No.460 was kept fallow.

5. In the circumstances, this Writ Petition is disposed of directing the 2nd respondent to provide police protection to the 3rd respondent for which purpose the petitioners shall make appropriate application to respondents 2 and 3 for implementing the order of this Court passed in W.P.No.10799 of 2011 dated 19.04.2011. As and when the representation is received from the petitioners, the respondents 2 and 3 shall take necessary action in accordance with law within a period of thirty days from the date of receipt of a copy of this order. No order as to costs.

6. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

22-02-2016

Gsn