

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40493 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of the 4th respondent in harassing and threatening the petitioners to arrest under the guise of impugned Lr.No.B/2164/2016, dated 07.10.2016, issued by the 5th respondent, which is illegal and arbitrary and consequently direct the respondents not to arrest the petitioners without giving any notice without adopting the due process of law.

Heard and perused the material available on record.

The case of the petitioners is that the petitioners are absolute owners and possessors of land to an extent of Ac. 0.15 guntas in Survey No.111/AA, Chennapur Village, Shivampet Mandal, Medak District, and continuously cultivating the said land. On the complaint given by one Smt. Yadamma stating that the petitioners have trespassed into her land in an extent of Ac. 0.30 guntas in Survey No.111/U, the 5th respondent passed the impugned order, dated 07.10.2016, directing the 4th respondent to initiate the criminal case against the petitioners. The main grievance of the petitioners is that the 4th respondent is harassing the petitioners to arrest under the guise of the impugned order passed by the 5th respondent.

Learned Assistant Government Pleader for Home informed that the 5th respondent has already lodged a complaint and the same is entered in the General Diary, but the 4th respondent has not yet registered the same and that on registration of the same, the 4th respondent will proceed with the investigation.

Considering the grievance of the petitioners and the rival contention, the 4th respondent is directed to proceed with the

investigation, without arresting the petitioners, if any case is registered on the basis of the complaint given by the 5th respondent. The petitioners are directed to report before the 4th respondent as and when required for the purpose of investigation.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 7th December, 2016

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