

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.28094 OF 2017

ORDER:

The writ petition is filed questioning the action of the 3rd respondent in not receiving the complaint made by the petitioner on 2.8.2017 and refusing to receive the complaint sent by registered post on 3.8.2017 as arbitrary and illegally.

The allegation of the petitioner that though he had lodged a complaint before the 3rd respondent Station House Officer on 2.8.2017 against the 5th respondent Gram Panchayat, no case has been registered so far. On the other hand at the instance of the 5th respondent a FIR has been registered against the petitioner.

As can be seen from the pleadings as well as on hearing the contentions of the learned counsel for the 5th respondent, the fact of the matter is that the compound wall which is alleged to have been constructed by the petitioner was demolished. It is the contention of the learned counsel for the petitioner that no notice has been issued and no procedure was followed before demolishing the compound wall by the 5th respondent.

Learned Government Pleader for Home submits that the FIR has been registered on account of the fact that the obstruction caused by the petitioner in carrying out the work of demolition by the 5th respondent Gram Panchayat, which is a public authority.

Having considered the respective submissions and in view of the facts of the present case, it is not in dispute as of now that the compound wall said to have been constructed by the petitioner was demolished. It is also evident from the FIR which is registered wherein the 5th respondent sought police aid to carry out the

demolition of the compound wall. Whether the demolition of the compound wall is legal or illegal is not a subject matter of the issue as it is the case of the petitioner that no FIR was registered as against the 5th respondent-Gram Panchayat. It may be noted that the 5th respondent is a Gram Panchayat and though the 4th respondent by name has been added as a party respondent is the officiating Station House Officer of the 3rd respondent police station. In the FIR registered against the petitioner at the instance of the 5th respondent, it has been stated that the 5th respondent was carrying out the demolition of compound wall which is constructed by the petitioner and in those circumstances, the 5th respondent sought police aid which was provided. The truth or otherwise of the contents in the FIR are required to be investigated and the final report is required to be filed. So far as the demolition of the compound wall is concerned for not being the subject matter of this writ petition, petitioner shall be entitled to take appropriate steps including claiming damages against the 5th respondent or other persons who are responsible for the same. Like wise, the petitioner shall also be entitled to recourse to law with respect to the FIR lodged against him, if he is other wise advised.

With the above observations, the writ petition is disposed of. No order as to costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

24th August 2017
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Date: 24.08.2017

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