

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.12644 of 2017

ORDER:

This writ petition was filed by the petitioners challenging the registration of FIR No.626 of 2017 dated 04.04.2017 by the 3rd respondent, on the complaint lodged by the 4th respondent.

2. The 4th respondent is the Panchayat Secretary of the Bandlaguda Gram Panchayat. He lodged a complaint stating that there was unauthorized construction of the house by the petitioners and when the said unauthorized construction was obstructed in the year 2010, it was stopped. Again the construction work is taken up now by the petitioners. At the instance of the ward members, who brought to the notice of the officers in the Praja Darbar, when the 4th respondent was removing the unauthorized construction, the petitioners obstructed him in discharging his duties.

3. Learned counsel for the petitioners submits that the daughter of the 1st petitioner, who is owner of the property, filed WP No.11743 of 2017 challenging the interference of the Gram Panchayat Secretary and the District Panchayat Officer in the construction and when the said writ petition was pending, the present complaint was filed as a counter-blast.

4. The allegation was that when the daughter of the 1st petitioner was making unauthorized construction on the road portion, the ward members objected for the same and when the 4th respondent, being the Panchayat Secretary, was trying to remove the unauthorized construction, the petitioners objected him. This allegation requires investigation by the police. In view of the same, this court is not inclined

to interfere with the investigation of the crime, which was already registered. In the circumstances, the 3rd respondent is directed to follow due process of law in investigating the case, including the provisions of Section 41-A of Cr.P.C.

5. With the above direction, the writ petition is disposed of. No order as to costs. Pending miscellaneous petitions, if any, shall stand dismissed in consequence.

Date: 10.04.2017
BSS

A. RAMALINGESWARA RAO, J



WRIT PETITION No.12644 of 2017Date: 10.04.2017

BSS