

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.8654 OF 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India challenging the action of the 3rd respondent in preventing the petitioner from entering into his lands in an extent of Ac.8.42 cents in Sy.No.248/1 of Gudlakunta village, Jammalamadugu Mandal, Kadapa District.

2. Learned Government Pleader obtained written instructions, which discloses that the petitioner, his brother and another claimed the land and created law and order problem. Thereon, a case in Cr.No.97 of 2015 was registered on 01-09-2015 for the offence under Section 107 Cr.P.C. When nuisance was continued, Cr.No.98 of 2016 was registered on 24-11-2016 and the accused were arrested as per law. On a complaint of the petitioner, a case was registered in Cr.No.92 of 2015 on 27-08-2015 against the petitioner's brother and another and the same is pending on the file of the Judicial Magistrate of I Class, Jammalamadugu. On the complaint of one Ummadi Rama Subba Reddy, a case was registered in Cr.No.99 of 2015 on 05-09-2015 against the petitioner and two others. However, the said case was referred as false. On the complaint of one Anil Kumar Reddy, a case was registered in Cr.No.8 of 2017 on 05-02-2017 against the petitioner and 20 others and the said case is under investigation. When the petitioner, his brother and another created nuisance and created law and order problem, a case was registered in Cr.No.21 of 2017 on 27-02-2017 and in the said crime, charge sheet was filed on 04-03-2017. The other allegation that the police are preventing the petitioner from entering into his land and harvesting the same was denied. It is specifically stated that they have not taken any coercive steps against the petitioner as alleged. The further allegation that the crop is ready to harvest and the respondent-police are not allowing the petitioner is also denied. It is stated that the respondent-police did not receive any request from the

petitioner. It is further stated that against the decree in O.S.No.62 of 2008 on the file of the Junior Civil Judge, Jammalamadugu filed by the petitioner, A.S.No.38 of 2014 on the file of the II Addl. District Judge, Kadapa, was filed, wherein stay was granted in I.A.No.1587 of 2014.

3. In view of the above facts and circumstances, it cannot be said that the 3rd respondent is preventing the petitioner from entering into his land and it is open for the petitioner to work out his remedies in the pending appeal. However, if there is any threat to his person, it is always open to the petitioner to lodge a complaint to the 3rd respondent, who shall take necessary action in accordance with law.

4. Accordingly, the writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.



A.RAMALINGESWARA RAO, J

DATED: 21-03-2017

Note: Issue CC by 23-03-2017

B/o

Hsd