

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.2597 of 2017

ORDER:

The petitioner states that he is a resident of Gunjapadugu Village. He retired from service as Government teacher. He states that the revenue officials, respondent Nos.10 to 13, of Manthani Mandal, in collusion with respondent Nos.6 to 8, created false records for several years in the name of some persons Vudari Lachulu and Akkapaka Kamala and also in the names of respondent Nos.6 to 8 and created documents. They have been manipulating/changing the revenue records and the manipulation and change of records relate to the land of an extent of Ac.0.12 guntas in Survey No.319/2 of Gunjapadugu Village. Thus, there are several allegations with regard to the manipulation of records in respect of the land in the said survey number as well as in Survey Nos.354/1, 354/2 and 169. He states that on his complaint, Crime No.146/15 was registered. Though a charge sheet was filed in the said case, the same was returned to Manthani Police by raising objections. He states that the property originally belongs to his father who executed a Will making it in two parts and giving one part to the petitioner. He also states that the said Will was later on cancelled. So far as the share of the brother of the petitioner is concerned, it was also given to him. There were several suits between his brother and himself. In view of the disputes, the petitioner got published a notice in Eenadu Telugu Daily newspaper of

Karimnagar, Peddapally, Siricilla and Jagitial Editions on 23.10.2016 calling for objections from concerned regarding mutation of land situated in Survey No.169 in an extent of Acs.3.23 guntas in favour of the petitioner. In response to the same, the Counsel for the petitioner received a letter from respondent Nos.7 and 8 on 28.10.2016 threatening the Counsel not to take up the case or involve in the said land matter. The petitioner received a letter on 25.11.2016 and 06.12.2016 containing threats. In those circumstances, the petitioner lodged a complaint with the second respondent requesting to take action against respondent Nos.6 to 8, who encroached and grabbed the land and also against revenue officials – respondent Nos.10 to 13, and respondent No.14, who cooperated with the alleged land grabbers. Though Crime No.137/16 was registered by the 16th respondent, who was working in the Manthani Police Station, Peddapally District, he sent the FIR to the learned Judicial First Class Magistrate, Manthani, through post with four days delay, whereas the other FIRs registered on the same day were sent to the Court through the Court Constable clearly indicating deliberate intention on the part of the 16th respondent showing his disinterest in the matter. He states that the same was done at the instance of the 17th respondent. In view of the indifferent attitude of respondent Nos.16 and 17, the petitioner approached the higher officers for proper investigation.

The petitioner also refers to some other complaints of 2006, 2012 and 2013 and we are not concerned with those issues as the issue in the present Writ Petition relates to Crime No.137 of 2016. The main grievance of the petitioner is that the crime was registered against four persons only leaving the other persons and not conducting proper investigation in accordance with law.

Learned Counsel appearing for the petitioner submits that respondent No.4 is acting on the dictates of respondent No.3 and is not conducting proper investigation. Learned Government Pleader, on the basis of written instructions, submits that the investigation in the above case is at preliminary stage and, based on the investigation, appropriate action will be taken in the matter. He also stated that fair and impartial investigation is being conducted in the matter and no malafides can be attributed to the Investigating Officer. He further states that the petitioner and his son are trouble mongers, and based on the complaints of the petitioner, three cases were registered and they are under investigation. Eleven cases were registered against the petitioner's son and in one case in Crime No.4 of 2009, the trial is pending before the concerned Court. However, in respect of other cases, either the cases were quashed or they ended in acquittal.

It is needless to observe that respondent No.4, who registered Crime No.137 of 2016, shall conduct investigation in

an impartial manner based on the complaint lodged by the petitioner. In view of the allegation levelled by the petitioner that respondent No.3 is influencing respondent No.4 in conducting investigation, respondent No.2 is directed to supervise the process of investigation and examine the record before finalizing the final report by respondent No.4. This Court cannot direct the Investigating Officer to conduct the investigation in a particular manner nor the petitioner can ask them to conduct investigation in a particular manner, except stating that an impartial investigation, based on the complaint, should be conducted.

In view of the above observations, no further directions can be granted, and the Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

31.01.2017
vs

(A.RAMALINGESWARA RAO, J)