

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.32953 of 2016

ORDER:

This writ petition was filed challenging the action of the 2nd respondent in not registering the crime against the respondents 3 to 5 pursuant to the complaint, dated 02-09-2016 and for a consequential direction to the 2nd respondent to register the crime against them and provide protection to cut the casuarinas tope situated in Sy.No.477/1, 2 and 3 of Chowduvada village of K.Kotapadu mandal, in an extent of Ac.9.68 cents.

Though notice before admission was issued by this Court on 30-09-2016, no counter-affidavit is filed by the respondents. However, on the basis of written instructions, the learned Government Pleader appearing for respondents 1 and 2 submits that pursuant to the complaint of the petitioner, dated 02-09-2016 the 2nd respondent issued a receipt on the same day but during the enquiry it is revealed that there is a civil dispute between the petitioner and respondents 3 to 5 with regard to the said land.

The Sub-Divisional Magistrate, Visakhapatnam initiated proceedings under Section 145 (1) of Cr.P.C., on 22-10-2010. Since the complaint of the petitioner was civil in nature the

petitioner was advised to approach the concerned civil court for redressal.

Learned counsel for the petitioner submits that even though the Sub-Divisional Magistrate, Visakhapatnam passed an order, dated 22-10-2010 asking the respondents to appear before him and file written statement, no protection is given to the respondents 1 and 2 in respect of the same subject matter.

In view of the same, it is open to the petitioner to take appropriate proceedings, pending before the Sub-Divisional Magistrate, Visakhapatnam, seeking implementation of the orders or for disposal of the matter before him or for obtaining appropriate orders from the Civil Court. It is also open to the petitioner to approach the concerned Magistrate by lodging a private complaint if the police are not taking any action in relation to the said land.

The writ petition is accordingly closed. There shall be no order as to costs. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

A. RAMALINGESWARA RAO, J

February 13, 2017

Pn

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