

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.39557 of 2016

Order:

The petitioner states that the 9th respondent and his brothers, who were the original owners of the property in Survey No.94 of Garmilla Shivar, Mancherial village and Mandal, Adilabad District, alienated an extent of 311 sq. yards in favour of one Smt. Naseem Sultana by a registered sale deed dated 29.01.2000. She in turn sold the said property to one Mohammed Shakeel under a registered sale deed dated 07.03.2003. Thereafter, two other transactions took place and, ultimately, the petitioner purchased, under a registered sale deed dated 19.04.2011, an extent of 228.85 sq. yards which remained after take over of portion of the property by the Railways. The petitioner is in possession of only an extent of 182.31 sq. yards. He constructed a house after obtaining permission from the Mancherial Municipality on 24.11.2011 and the house was given house No.4-390/5. While so, it appears that the 8th respondent in collusion with the 9th respondent created a registered document dated 08.05.2002 for an extent of 597.29 sq. yards and on the basis of the said document they started interfering with the possession of the petitioner. In those circumstances, the petitioner filed O.S.No.83 of 2013 for perpetual injunction against the 8th respondent before the Principal Junior Civil Judge, Mancherial, but the said suit was dismissed as not pressed. When the 8th respondent came to the house of the petitioner on 02.05.2015 and threatened him with dire consequences, the petitioner lodged a complaint before the 5th respondent which was registered as Crime No.156 of 2015 under Sections 420 and 506 IPC on 07.05.2015. The respondents 5 and 6 took up investigation. During the

pendency of the investigation, the 8th respondent filed W.P. No.13192 of 2015 against the 4th respondent herein and sought a direction not to interfere with the civil disputes. The said Writ Petition is pending. The 8th respondent filed another W.P. No.14239 of 2015, wherein the petitioner herein was shown as 4th respondent. It appears that the 8th respondent lodged a complaint before the 2nd respondent for handing over the property and when the same was forwarded to the 4th respondent the same was forwarded to the 5th respondent. When the investigation was pending, it appears that the 6th respondent addressed a letter on 06.07.2015 to the 4th respondent seeking permission to take action against the petitioner herein and his vendors and drop action against the respondents 8 and 9 in Crime No.156 of 2015. The 4th respondent passed an order on 08.07.2016 permitting the 6th respondent to take action against the petitioner and his vendors for the above said offences and drop action against the respondents 8 and 9. Challenging the said proceedings, the present Writ Petition is filed.

It is needless to observe that when Crime No.156 of 2015 was already registered as against the respondents 8 and 9, it is incumbent upon the 5th respondent to file a report before the concerned Court. As and when such report is filed, it is open to the petitioner to bring it to the notice of the Court the relevant material and challenge the report, if the report goes against the petitioner. The petitioner is not without any remedy and, hence, the present Writ Petition cannot be entertained at the instance of the petitioner. Giving such liberty, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 02.02.2017
Nsr

