

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION NO. 46740 OF 2016

ORDER:

This Writ Petition was filed challenging the action of 2nd respondent in not registering the complaint dated 7.6.2016, and not taking action against the un-official respondents.

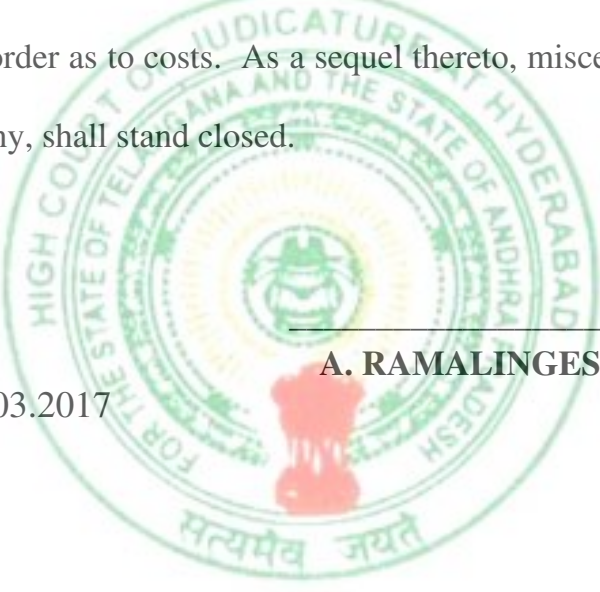
2. A reading of the complaint discloses that the petitioner filed O.S.No. 14 of 1995 in the Court of the Junior Civil Judge, Madakasira, seeking permanent injunction in respect of land to an extent of Ac. 2.52 cents and the suit was decreed on 27.8.2003. The un-official respondents filed O.S.No. 204 of 1994, seeking injunction, and the said suit was dismissed. They filed another O.S.No. 132 of 2005 in respect of the said land and the same was also dismissed on 9.10.2012. In view of the injunction granted in favour of petitioner on 27.8.2003, when the petitioner is trying to enter in his land, one Kariyanna and his followers were obstructed, and in those circumstances, the petitioner lodged a complaint on 17.3.2016 to provide police protection. The police did not provide protection but un-official respondents are threatening the petitioner.

3. Now a counter affidavit is filed by the second respondent stating that after receipt of the said complaint an entry was made in the general diary at serial No. 32/2016 and deputed a constable to secure the presence of the petitioner and said Kariyanna. The Constable reported that Kariyanna was suffering from ill-health and he ultimately died on 2.9.2016 and several efforts were made by the police to secure the

petitioner but did not yield any result. In the circumstances, the complaint of the petitioner was closed.

4. Learned counsel for the petitioner submits that there is a tamarind crop in the land and it is ripe for harvest. If that is so, it is open for the petitioner to approach the second respondent by way of representation intimating the date for the harvest of the said crop, and on receipt of such representation, the second respondent shall take appropriate action in accordance with law.

5. With the above observation, the Writ Petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.



A. RAMALINGESWARA RAO, J

DATE: 21.03.2017

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