

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.7403 OF 2018

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Home (TG) appearing for the official respondents.

2. When the matter is taken up, written instructions, dated 06.03.2018, furnished by the Sub-Inspector of Police, Golkonda Police Station are placed on record by the learned Government Pleader for Home. The said instructions read as under:-

“On a complaint of Mr.Sravan Kumar (son of the petitioner herein) lodged with the police of Golkonda Police Station, a case in Cr.No.276/2017 dt.10.10.2017 U/secs.448 was registered against Mr.Syed Mustafa Kabeer (6th respondent herein) and others as they trespassed into the subject lands and taken up the investigation into the case.

On a complaint of Mr.Syed Mustafa Kabeer (6th respondent herein) lodged with the police of Golkonda Police Station, Hyderabad a case in Cr.No.277/2017 u/secs.448, 506 IPC dated 10.10.2017 was registered against Mr.Sravan Kumar (son of the petitioner herein) and others as they criminally trespassed into the lands covered by Sy.Nos.221, 222 and 234 situated at Samath Colony, Shaikpet Village and Mandal, Hyderabad and taken up the investigation into the case. The investigation is under progress.

Similarly, on a complaint of Mr.M.Sravan Kumar (son of the petitioner herein) lodged with the police of Golkonda Police Station, Hyderabad, a case in Cr.No.55/2018 U/secs.420, 468, 471, 506, 295 r/w.34 IPC was registered against Mr.Syed Mustafa Kabeer (6th respondent herein) and others as they created forged and

fabricated document of agreement of sale in respect of Sy.Nos.221, 222 and 234 for a total sale consideration of Rs.9,68,00,000/- and demanded to hand over the possession of the property by putting a lock on the main gate and threatened with dire consequences and taken up the investigation into the case. The investigation is under progress.

The investigation in the above is pending for want of examination of some more witnesses and for collection of material evidence.

The records revealed that the said Mustafa Kabeer has filed a civil suit in O.S.No.848/2017 and obtained injunction orders in his favour in IA.No.1307/2017 dt.21.9.2017.

It is pertinent to submit that with regard to the subject lands in question ie., Sy.Nos.221, 222 and 234 of Samatha colony, Shaikpet Village and Mandal, the parties in the FIRs are claiming rights and title over the said lands and creating law and order problem at the disputed lands.

Keeping in view of the tension prevailing at the disputed lands and to prevent any untoward incidents in future at the lands, in good faith, proposals were submitted before the Special Executive Magistrate, Hyderabad District on 6.3.2018 praying it to initiate Sec.145 Cr.P.C. proceedings. The same is pending consideration. A copy of the requisition is annexed to the written instructions for the kind perusal of this Hon'ble Court.

It is humbly submitted that except registration of the above cases and filed requisition before the Special Executive Magistrate for initiation of sec.145 Cr.P.C. proceedings, this respondent never interfered with the subject lands in question.

I humbly submit that unless Sec.145 Cr.P.C. proceedings are initiated at the disputed lands in

question, there is every chance that both the parties are creating law and order problem leading to blood shed.”

3. Having regard to the above said instructions and taking into consideration the submissions of the learned counsel for the petitioner and the learned Government Pleader, the Writ Petition is disposed of, by placing on record the written instructions, dated 06.03.2018, furnished by the Sub-Inspector of Police, Golkonda Police Station. There shall be no order as to costs.

4. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

Date : 07.03.2018
AMD

JUSTICE A.V.SESHA SAI



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