

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.9679 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit the petitioner herein prays that this Hon’ble Court may be pleased to issue a writ, order or direction more particularly one in nature of writ of Mandamus, declaring the action of Respondent 3 and 4 in calling the petitioner to police station with a demand to execute empty bonds in favour of Respondent no.5 for settling the civil dispute with respect of agriculture land in survey number 838, admeasuring an extent of Ac 1-94 Cents situated in Kristapadu (v), Peddavadugur (M), Anantapur District as illegal and arbitrary and consequently direct the Respondents 3 and 4 to not pressure on the Petitioner for executing empty bonds in favour of Respondent no.5 for resolving any civil dispute with respect to agriculture land in survey number 838, admeasuring an extent of Ac 1-94 Cents situated in Kristapadu (v), Peddavadugur (M), Anantapur District and to pass such other orders as this Hon’ble Court may deem fit and proper in the circumstances of case, in the interest of justice.”

2. I have heard the submissions of Sri *N.Chandra Sekhar Reddy*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Home (A.P.) appearing for the respondents 1 to 4. I have perused the material record.

3. Learned counsel for the petitioner would submit as under: -
“The petitioner herein is the 2nd accused. As per the allegations in the case registered against the petitioner, A-1 impersonated the 5th respondent and sold away some immovable property to the petitioner, who is the 2nd accused, and that the petitioner/2nd accused in turn sold the property to the 3rd accused in the crime. However, while investigating into the said crime, the police are

demanding to execute empty bonds in favour of the 5th respondent for settling the civil disputes and are insisting upon the petitioner/2nd accused to pay the consideration to the 5th respondent in respect of the subject property, which is an agricultural land. The said demands of the police are illegal and arbitrary. Therefore, respondents 3 & 4 may be directed not to pressurize the petitioner to give empty bonds in favour of the 5th respondent.'

4. Learned Government Pleader, on instructions, would submit that the petitioner is a rowdy sheeter and that he indulged in illegal sale of land over which he has got no right, title and interest and that the police are only investigating into the crime registered and no such demands, as alleged in the writ petition, are made and that the writ petition is not maintainable.

5. Learned counsel for the petitioner, in reply, would submit that if a direction is given to the police to expedite the investigation and file a final report, the ends of justice would be met.

6. In further reply, learned Government Pleader for Home would submit that no such prayer is sought for in the writ petition.

7. Having regard to the submissions and the nature of the allegations in the crime, which is being investigated into by the police, and as the petitioner has not substantiated the principal allegations made and could not make out a *prima facie* case, this Court finds that the writ petition can be disposed of with appropriate directions.

8. In the result, the Writ Petition is disposed of directing the 4th respondent to expedite the investigation into the case in Crime No.53

of 2017, on the file of the Peddavaduguru Police Station, Anantapur District, and file final report, by following the procedure established by law. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

M.SEETHARAMA MURTI, J

Date: 23rd March, 2018

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