

THE HON'BLE SRI JUSTICE P.KESHA VA RAO

WRIT PETITION NO.2439 OF 2015

ORDER:

1. There is no representation on behalf of the petitioner.

2. The prayer sought in the Writ Petition is as under:

“....to issue a writ, order or direction, more particularly one in the nature of WRIT OF MANDAMUS declare the action of the Respondent authorities in not taking any action upon the complaint dated 14.05.2014 made against the Respondents 5 and 6 as per Criminal Procedure Code as illegal, arbitrary and consequently direct the Respondents authorities to decide the petitioner case in accordance with law as early as possible.”

3. The facts of the case are that the petitioner purchased agricultural land to an extent of Ac.3.00 guntas in Sy.No.248/7 situated in Medak town from one Afsari Begum through a registered sale deed in the year 1994 in the name of his son K.Kamalullah and since then they are in possession of the property. While the matter stood thus, on 22.2.2014, when he was performing “Nyaz” in his land by putting a tent near the land, respondent Nos. 5 and 6 at about 2.30 p.m. came to the spot and without assigning any reasons, took photographs of his family members, abusing him and his family members in filthy language and forcibly removed the tent. In that connection, the petitioner approached respondent No.3 on 6.3.2014 and made a complaint to take necessary action. The said complaint was forwarded to respondent No.4 on 10.3.2014 with an endorsement to enquire and take necessary action upon the complaint. Since no action was taken, the petitioner submitted another complaint on 14.5.2014 bringing all the facts to the

knowledge of respondent No.4. Even then, there was no response. Questioning the said inaction, the petitioner filed this Writ Petition.

4. During the course of hearing, learned GP appearing for respondent Nos. 1 to 5 brought to the notice of this Court, the counter affidavit filed by respondent Nos. 5 and 6 and submitted that as per the instructions of the superior officers, the enquiry caused in this connection revealed that a case in Cr.No.24 of 2014 under Sections 447, 427 and 506 IPC was registered on 4.2.2014 over the issue on the complaint of one Sri Sara Shyamsunder. According to the said complaint, the lands which were allotted to freedom fighters in Sy.No.248 were being occupied by the petitioner. In that regard, the investigating officer i.e., Sri Hanumanthu, Sub-Inspector and Sri Rajashekar, Assistant Sub-Inspector of Medak P.S. have visited the scene of offence and conducted panchanama of the scene of offence in Sy.No.248/A situated behind 33/11 KV Electric Sub-Station, Medak. As the police were proceeding to the spot for panchanama, some news reporters came to the spot and took photographs of the scene of offence and published in the news papers. In that regard, the Tahsildar, Medak has been requested to conduct survey of the land and submit the factual report. Accordingly, the Tahsildar, Medak mandal through his letter No.D/2827/2014 dated 1.12.2014, submitted his report stating that the disputed land bearing Sy.No.248/a belongs to freedom fighters layout plots situated in Medak town which have been demarcated by the Deputy Inspector of Survey, Medak Division and the petitioner has encroached to an extent of 0.07 ½ guntas of Government land in

Sy.No.248/1 in which he has cultivated paddy crop in 0.06 ½ gts and constructed basement in 0.01 guntas. Therefore, it clearly shows that the petitioner encroached the freedom fighters land. Hence, the petitioner was arrested on 6.1.2015 and he was produced before the learned Judicial Magistrate of First Class, Medak for remand. After investigation, a charge sheet was also filed leading to registration of C.C.No.85 of 2015. It is further stated in the counter affidavit that the petitioner has made false and baseless allegations against Sri Hanumanthu, Sub-Inspector and Sri Rajashekar, Assistant Sub-Inspector of Medak Town P.S. to avoid arrest in the above said crime.

5. Though a counter affidavit has been filed, no reply has been filed by the petitioner. Even there is no representation on his behalf.

6. Therefore, taking into consideration, the contents of the counter affidavit and the submissions made by the learned GP, this Court is of the opinion that no case is made out warranting interference by this Court.

7. Assuch, the Writ Petition is dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

P. KESHA VA RAO,J

Date: 23.11.2018

KPM