

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.10792 of 2018

ORDER:

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

“..to issue an order, direction particularly one in the nature of Writ of Mandamus or any other appropriate writ (i) declare the inaction of the Police in not registering FIR on the complaint given on 8-2-2018 by the petitioner and not taking any action against the unofficial respondents and their supporters/co accused and pass such other order or orders may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of the learned counsel for the petitioner, of learned Government Pleader for Home (Telangana) appearing for respondents 1 to 3 and of learned Government Pleader for Revenue (Telangana) appearing for respondents 4 to 6. I have perused the material record.

3. Learned counsel for the petitioner would submit that the police have a statutory obligation to register the FIR on receipt of the complaint, dated 08.02.2018, lodged by the petitioner with the Station House Officer, Madhanapuram Mandal, Wanaparthi District, the third respondent herein, and that the police are required to follow the precedential guidelines of the Supreme Court in **LALITA KUMARI V/s.**

GOVERNMENT OF UTTAR PRADESH¹ and take suitable action in the matter.

4. The learned Government Pleader for Home, on instructions, would submit that as per the averments in the complaint, dated 08.02.2018, lodged by the petitioner with the police, the petitioner's great grandfather had an extent of Ac.9.19 guntas of land in Survey No.303 of Shankarammpet Village of Madhapur Mandal; that according to the petitioner, he succeeded to the said land, but his name is not mutated in the revenue records; that the unofficial respondents are tampering with the revenue records by playing fraud, malpractice and forging the signatures of the officials for mutation of the properties in their names, and therefore, the petitioner requested for taking necessary action against the unofficial respondents; that after going through the complaint of the petitioner, an entry has been made in the general diary of the police station; that the petitioner was advised to approach a Civil Court as the matter is of civil in nature; and, that the police are not obliged to grant police aid to the petitioner unless an appropriate order is obtained from an appropriate forum for police protection. He would also submit that in the event, the petitioner obtains appropriate orders from a competent forum, the police will duly comply with the said orders.

¹ (2014) 2 SCC 1

5. Having regard to the submissions, the writ petition is disposed of directing the fourth respondent to follow the due procedure established by law and the precedential guidelines in the decision of the Supreme Court in ***Lalita Kumari's case***, and take suitable action accordingly. In the event the offence alleged is a non-cognizable one, the police authorities are bound to follow the due procedure laid down in Section 155 of the Code of Criminal Procedure, 1973. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

Date: 10.04.2018
va

M. SEETHARAMA MURTI, J

