

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.13084 OF 2018

ORDER:

In this writ petition, the main grievance of the writ petitioner is with regard to non-consideration of the representations, dated 13.10.2017, 13.11.2017 and 30.11.2017, lodged by the petitioner with the official respondents alleging cognizable offences against the persons mentioned therein. The petitioner also sought police protection.

2. Learned counsel for the petitioner, while reiterating the chronology of events including the events that lead to the various civil proceedings and the orders that were passed by the revenue authorities and the civil Court, would submit as follows:

‘After the injunction order is made absolute in the civil proceedings, when the petitioner wanted to raise a shed and dig a borewell in the subject property, there was obstruction and certain overt acts and illegal acts were committed. In view of the said acts of the unofficial respondents, the aforestated representations are given, but, no action has been taken. Hence, the present writ petition is filed.’

3. Learned Government Pleader for Home, on written instructions, dated 16.04.2018, a copy of which is placed on record, would submit as follows:

On a reference of a private complaint by the Court of the learned III Additional Judicial Magistrate of First Class, Warangal, a case in Crime No.204 of 2017 was registered, on 05.08.2017,

against the 5th respondent and others for the offences punishable under Sections 447, 427 and 506 read with 34 I.P.C.; that again, on reference of another complaint by the said learned Magistrate, another case in Crime No.207 of 2017 was registered, on 08.08.2017, by the police of Hasanparthy Police Station for the offences punishable under Sections 47, 427 and 506 read with 34 I.P.C.; that it is true that the petitioner made the representations aforestated in the writ petition; that since two crimes are already registered, the police officers concerned are duly investigating into the aforestated crimes; that in the facts and circumstances, the petitioner deserves no protection for the land, as the dispute is a civil dispute, and the petitioner has to approach the civil Court for police aid, as the matter is *sub judice*.

4. Learned counsel for the petitioner, in reply, would submit that since the representations aforestated of the petitioner disclose cognizable offences, the police are required to take suitable action following the precedential guidelines in **Lalita Kumari Vs. Government of Uttar Pradesh**¹. He would further submit that in the event the offences alleged in the representations are non-cognizable also, the police are required to follow the procedure laid down in Section 155 Cr.P.C. and that in any event the police officers cannot keep quiet on the representations of the petitioner.

5. Recording the submissions, the Writ Petition is disposed of reiterating the precedential guidelines of the Supreme Court in the aforestated precedent and directing the police officer concerned to take suitable action on the representations of the petitioner. It is

¹ (2014) 2 SCC 1

needless to state that insofar as the police aid sought for making constructions and digging a bore well, the petitioner is at liberty to approach the civil Court, before which the civil proceedings are pending. There shall be no order as to costs.

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

JUSTICE M.SEETHARAMA MURTI

Date: 25.04.2018
AMD



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