

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No.25068 OF 2011

ORDER:

The petitioner seeks writ of mandamus declaring the action of the respondents 1 to 4 in not considering the representations of the petitioner dated 15.06.2011, 27.05.2011 and 24.05.2011 made against respondents 5 and 6 for illegal trespass and demolition of petitioner's property admeasuring 492 square yards in Survey No.54 bearing House No.20-6/15/1A, Chilakanagar, Uppal, Ranga Reddy District as illegal, arbitrary and consequently, to direct the respondents 1 to 4 to take action against the respondents 5 and 6.

2. Respondents 3, 5 and 6 filed counters.

3. Inspite of the matter being posted today under the caption 'for dismissal', as the matter is old one, there is no representation on behalf of the petitioner. Hence, heard learned Government Pleader for Home and learned counsel for respondent No.5.

4. The learned Government Pleader, while referring to his counter more particularly Paragraph No.11 of his counter, would submit that the petitioner submitted a Photostat copy of the petition dated 25.05.2011 to the Commissioner of Police, Cyberabad Commissionerate, requesting to take

necessary action against 6th respondent and his son Sreenu, Yadamma and 20 others, as they interfered with her land situated at Chilakangar, Uppal Mandal. On receipt of the said Photostat copy of the petition, the Commissioner of Police, Cyberabad Commissionerate forwarded the same to the Station House Officer, Medipalli for taking necessary action. The said copy was received by the respondent No.3 on 09.06.2011. Since the petitioner sent a Photostat copy of the petition, no action could be taken on it except entering into the General Diary on 09.06.2011. Though the respondent tried for petitioner to obtain her statement, she did not cooperate with the respondent police. Learned Government Pleader would further submit that again the petitioner sent another complaint dated 15.06.2011 to 3rd respondent through Assistant Commissioner of Police, Malkajgiri on 04.07.2011 stating that since last fourteen years she was residing in the house situated in Survey No.54 and in the year 2004 one Mr.B.Balaiah - the 5th respondent, son of one Edaiah had come to that land and made a Galata and so also the 6th respondent harassed them in respect of her enjoyment of the said property and he created some documents in respect of Survey No.212 and in that context, she requested the police to take necessary action. Learned Government Pleader would further submit that again when the 3rd respondent tried to record the statement of the petitioner, she did not cooperate to give her statement. Thus, he would

submit that the respondent tried many a time for the petitioner to obtain the original complaint in respect of the first complaint and to record her statement in respect of second complaint, but she did not cooperate. In those circumstances, he could not take any further action.

5. As already stated, there is no representation for the petitioner. It appears due to her non-cooperation the 3rd respondent could not take any action. Be that it may, learned counsel for 5th respondent would submit that there were civil disputes between the parties in respect of the disputed property by the time of filing writ petition and later, they were disposed of and having realized that she had no case in the civil suit, perhaps she did not approach the police.

6. As already noted *supra*, this matter is posted today under the caption 'for dismissal' and there is no representation for the petitioner. In that view and in view of the counter averments made by the 3rd respondent and 5th respondent, I see no reason to pass any order in this matter.

6. Accordingly, this writ petition is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

U.DURGA PRASAD RAO, J

10.09.2018
SS