

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.1906 OF 2017

ORDER:

Challenging the report submitted by the Tahsildar, Lingampet Mandal – 2nd respondent herein, vide letter No.A/3608/2016-II, dated 27.10.2016, informing to the Station House Officer, Kamareddy– 4th respondent herein that the 7th respondent herein is in possession of the land in Survey No.218/A2 to an extent of Acres 0.25 gts, the present writ petition is filed.

2. The grievance of the petitioner, as set out in the writ affidavit, is that petitioner is the owner and possessor of the agricultural land over an extent of Acres 0.25 guntas in Survey No.218/A2 of Shetpally Village, Lingampet Mandal, Kamareddy District and having acquired the said land from his father, which is an ancestral property, as a successor, he is cultivating the same and his name was also recorded in the revenue records for the year 2015-2016. While so, the 7th respondent made efforts to grab the said land with the help of adjacent owners and other villagers, which were resisted by the petitioner, as such, the 7th respondent made a complaint before the police and FIR No.156 of 2016 was registered for the offences under Sections 447, 427, 324, 323 and 506 of IPC and Section 3(1)(c),(f) and (s) of SC/ST POA Amended Act, 2015. It is further stated that to resist the acts of the 7th respondent, the petitioner filed a suit before the civil court and the same is

pending. While the matter stood thus, basing on the complaint, the police officials called for a report from the revenue officials, who, inturn, submitted the impugned report on 27.10.2016 informing that the 7th respondent is in physical possession of the land in Survey No.218/A2, since 17.04.2004, though the said land stands in the name of the petitioner in the revenue records.

3. It is the specific case of the learned counsel for the petitioner in the present writ petition that neither the police is entitled to call for such a report with respect to the subject land nor the revenue officials are entitled to make a report with respect to the physical possession. If at all the 7th respondent has any grievance with respect to the possession and enjoyment of the petitioner over the land, the appropriate course would be to approach a competent civil court.

4. The present writ petition came to be filed on 18.01.2017 and came up for admission on 20.01.2017. Though notice was issued on 25.01.2017 and thereafter, matter was adjourned four times, no counter is filed by any of the respondents.

5. *Prima facie*, it is evident from the report submitted by the 2nd respondent herein that petitioner's name finds place in the revenue records, however, the 7th respondent is in possession of the said land since 17.04.2004. As to whether the petitioner is in possession of the subject property or it is the 7th respondent, who is in possession, is required to be decided

by a competent civil court. Merely because the 7th respondent lodged a complaint, which was registered as an FIR, does not entitle either the police authorities or the revenue authorities to certify that a particular party is in possession.

6. In view of the above circumstances, the impugned report dated 27.10.2016 is declared as illegal, leaving it open for the parties to workout their remedies in an appropriate civil court so far as the land is concerned. It is also made clear that this Court has not expressed any opinion with respect to the FIR registered against the petitioner. Hence, the same has to be dealt with in accordance with law.

7. With the above observation, this writ petition is allowed. Miscellaneous petitions pending consideration, if any, in this case shall stand closed as a consequence. There shall be no order as to costs.

CHALLA KODANDA RAM,J

02.01.2018

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