

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.21712 OF 2018

ORDER :

This writ petition is filed challenging the action of the respondent No.4 in sending police constable to the subject site and in forcefully stalling the construction activity over the subject site of the petitioner and also in threatening the petitioner with dire consequences.

Heard learned counsel for the petitioner.

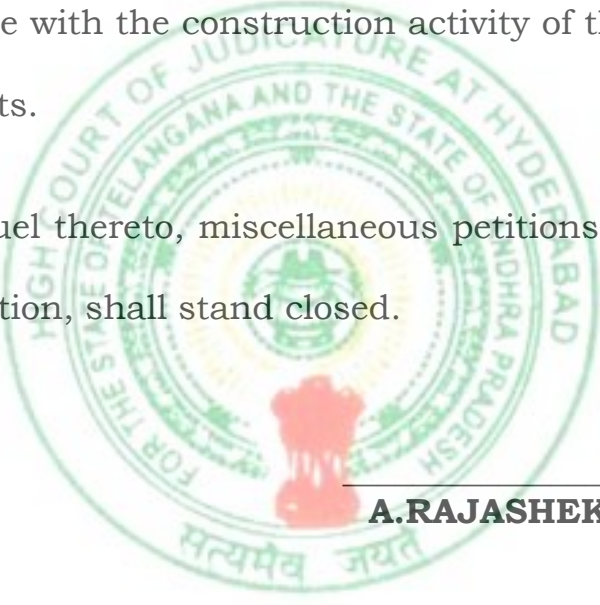
Learned Assistant Government Pleader for Home produced written instructions stating that basing on the complaint of petitioner a case in Crime No.477/2018 under Sections 447, 427, 506 IPC dated 20.05.2018; that during the course of investigation, Investigation Officer examined the petitioner/complainant and recorded his detailed statement; that as part of investigation, notice under Section 91/160 Cr.P.C. dated 20.05.2018 was served on the petitioner and was also requested to furnish relevant documents pertaining to the subject land and also to produce witnesses if any in support of his version; and that instead of approaching the investigating agency, the petitioner sent reply dated 23.05.2018. It is further stated that except registration of above crime, the respondents have not stopped the construction activity of the petitioner and that the respondents are not competent to stop the alleged construction.

Learned Counsel for the petitioner submits that along with reply to the notice issued under Section 91/160 Cr.P.C. dated 20.05.2018, the petitioner has filed documents.

Recording the aforesaid submissions of the learned Assistant Government Pleader, the writ petition is disposed of directing the Investigating Officer to consider the reply of the petitioner along with documents, and take further action. However, this order will not preclude the concerned authorities from taking action in case of any violations committed. It goes without saying that the police cannot interfere with the construction activity of the petitioner. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

28.06.2018
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A.RAJASHEKER REDDY, J