

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No. 169 of 2016

ORDER:

The inaction of respondent - officials, in taking action on the complaints dated 17.10.2015 and 14.12.2015, is questioned in the Writ Petition as being illegal and arbitrary.

Brief facts of the case are that petitioner's brother, who is the GPA holder, filed the writ affidavit stating that petitioner is the absolute owner and possessor of land admeasuring Ac.0.14 gts. in Sy.No.22 situated Pothereddypally Village, Sanga Reddy Mandal, Medak District, having purchased under sale deed No. 3833/89 dated 25.08.1989, and he has been in possession thereof since the date of purchase. Petitioner obtained construction permission on 24.06.1997 from Pothereddypally Gram Panchayat and constructed sheds and rooms. Petitioner claims to be working at Bengaluru and his parents are residing at Hanamkonda, Warangal. Respondent No.7 tried to grab the land and sell to third parties and, in that process, he created GPA document No.16359/14 dated 12.12.2014 impersonating petitioner. It is stated that both Ajay Kumar Mamilla and Ajay Kumar attested the GPA, fabricated patta passbook, title deed, mutation, house tax receipt dated 25.07.2015 and ownership certificate dated

03.08.2015, as if issued by Panchayat Secretary (EO) of G.P. Potherreddypally. Respondent No.7 offered to sell the subject property to third parties, trespassed thereinto and removed the shed, carried away sheets and demolished the rooms causing loss of Rs.25.00 lakhs. It is stated that the said GPA is a rank forgery and a fraudulent document executed by impersonating the original owner, the petitioner. Petitioner, therefore, lodged a complaint dated 17.10.2015. His grievance is that, though he made complaints dated 17.10.2015, 14.12.2015 to respondent Nos.5 and 3 respectively, no action has been taken. Hence the writ petition.

Heard the learned counsel for the petitioner and learned Assistant Government Pleader for Home.

Learned counsel for the petitioner submits that the petitioner had lodged complaints dated 17.10.2015 and 14.12.2015, as stated in the writ affidavit, but police has not taken action on the FIR though it was a cognizable offence as per the contents of FIR and, therefore, sought a direction to respondent Nos.3 and 5.

In his counter affidavit, respondent No.5 – Station House Officer, Sanga reddy Rural Police Station, Medak, state that, based on the instructions of SDPO, Sangareddy, they contacted petitioner's brother, who stated that the petitioner had 1600 sq. yards of land in Gollagudem; GPA

was given to respondent No.7; the said fact was known only when he had taken E.C. from the registration office; thereafter, they approached the Station House Officer, Sanga Reddy District; the said SHO stated that only documents have been forged in the Registration Office but GPA holder is not in possession of the land and asked to get true copies of the original GPA document from the registration office; though petitioner's brother was asked to come to the police along with relevant documents, he did not approach the respondent – officials; and, after enquiry, detailed report was submitted to the SDPO, Sangareddy and the same was forwarded to Superintendent of Police, Medak District.

Learned Counsel for the petitioner submits that the petitioner is ready to submit true copies of the original GPA from the Registration Office for taking further action in the matter.

In view of the statement made by the learned Counsel for the petitioner, petitioner may submit true copy of the original GPA before the police within a week and, on submission of true copy of GPA, the police may take further action in the matter.

With the above observation, the Writ Petition stands disposed of.

Miscellaneous petitions, if any pending, shall stand closed.

GUDISEVA SHYAM PRASAD, J

Date:16.04.2018
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