

THE HON'BLE SRI JUSTICE P.KESHA VA RAO

WRIT PETITION No.17688 OF 2015

ORDER:

Heard the learned counsel for the petitioners as well as the learned Government Pleader appearing for the respondents 1 and 2.

The prayer sought for in the writ petition is as under:

“to issue a writ of mandamus or any other appropriate writ declaring the action of the respondent No. 2 in harassing the petitioners at the instance of respondent No. 3 to 5 by calling them to police station and threatening the petitioners with registration of cases if they enter into lands in Sy. No. 219/5 Nemmergomula, Village, Bhongir, Nalgonda District and interfering with the rights of the petitioner is illegal, arbitrary and against article 21 and 300-A of constitution of India or pass such any other appropriate order or orders as this Hon'ble Court may deem fit and proper in the interest of Justice”.

During the course of hearing, the learned Government Pleader placed on record the written instructions dated 07.07.2015 issued by the Sub-Inspector of Police, Bibinagar Police Station, Nalgonda District. The same is made part of the record. From the perusal of the said instructions, it is revealed that on a complaint lodged by one T.Suresh Kumar on 11.06.2015, Crime No.82 of 2015 for the offences punishable under Sections 447, 427, 290, 506 I.P.C. was registered on the file of Bibinagar Police Station against the petitioners. It is also mentioned that during the course of investigation, it is established that the petitioners trespassed into the subject-lands of the complainant and damaged the roads. In fact, Section 41-A of Cr.P.C. has already been served on the petitioners on 13.06.2015. That apart, even on an earlier occasion, as many as five criminal cases have been registered against the petitioners. It

is specifically stated in the instructions that except registration of the above cases, on receipt of the cognizable complaints, the respondents-police never interfered with the civil disputes. Mere registration of criminal cases and proceedings with the investigation does not amount to harassing the petitioners.

Taking the said statement into consideration, this Court is of the opinion that no further orders are required in the writ petition and the same is accordingly closed. No costs.

However, the learned counsel appearing for the petitioners strenuously contended that the petitioners are the original allottees of land under the Bhoodan Scheme, but however, the respondent No.4 being the Village Revenue Officer of the village, created documents in collusion with the respondents-police and based on the same, a civil litigation has been initiated. The respondents-police in collusion with respondent No.4 are filing criminal cases against the petitioners. If that be the case, it is always open for the petitioners to initiate appropriate proceedings by invoking the mandatory procedure as contemplated under Chapter-XII & XV of Cr.P.C.

Pending miscellaneous petitions, if any, shall stand closed.

P.KESHAVA RAO,J

29th NOVEMBER 2018.

Tsr