

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.7651 of 2011

ORDER:

This petition is filed, by the petitioner, who is A1, seeking for quash of the proceedings in Crime No.422 of 2010 on the file of Madhapur Police Station, Hyderabad. The offences alleged are under Sections 406, 420, 471 r/w 120 IPC.

2. Heard the counsel for the petitioner and the Public Prosecutor appearing for the 2nd respondent. None appears for the 1st respondent in spite of notice.

3. The allegation against the petitioner is that he sold the disputed part of the land, showing 30 feet road on the west side a part of the property.

4. The counsel for the petitioner submits that a writ petition was filed by one of the buyers i.e., K.Swarna and in pursuance of the direction given in the said writ petition, an enquiry was caused into the same.

5. The enquiry report, which was produced by the counsel for the petitioner at the time of hearing, disclose that no road was in existence at any point of time as per the revised lay out. In fact, the authorities examined and found that no road was existing, in the plots in dispute along with plot No.35. The enquiry report also shows that there was no justification whatsoever in the allegations made by one K.Swarna and, *as such*, there is no

illegality whatsoever in the ULC proceedings with regard to the allotment of Plot No.35 in favour of Vellanki Venkata Rao and Vijaya Kumari. The enquiry report also concludes that the layout formed by the Society is unauthorised and thus, the existence of a road in the layout was not legally recognized by the Government at any point of time as evidenced by allotment of ULC surplus land in Plot Nos.34 and 35 without showing any road in between them. The allotment of Plot No.35 in favour of Sri V.Venkateswara Rao and Smt.V.Vijayakuamari is legal and proper.

6. Hence, in view of the above, this court opines that the allegations made against the petitioner are baseless.

7. With the above observations, the Criminal Petition is allowed and the proceedings against the petitioner in Crime No.422 of 2010 on the file of Madhapur Police Station, Hyderabad, are hereby quashed.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

September 5, 2018
LMV

T. RAJANI, J