

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.23361 of 2017

ORDER.

This Writ Petition is filed for a *Mandamus* to declare the inaction of the respondents in registering the Crime based on the complaints, dated 07.5.2017 and 19.5.2017, given by the petitioner, as illegal and arbitrary and to direct respondent No.5 to register the Crime under Sections-120(b), 420 and 109 read with 34 IPC and under Section-3(i)(a) of the SCs & ST (Prevention of Atrocities) Act.

In the affidavit, filed in support of the Writ Petition, the petitioner averred that the Government has assigned land to him admeasuring an extent of Acs.2.50 cents in Survey No.148/AP, corresponding to new Survey Nos.163/5, 164 and 165 of Ramakrishnapuram Village, Palasa Mandal, Srikakulam District; that he is in possession of the said land; that he made an application to the Mandal Revenue Officer, Palasa Mandal in the year 1999-2000 seeking issuance of pattadar passbook and title deed; that since no action has been taken, he approached this Court by way of filing Writ Petition No.20659 of 2001; that in the said Writ Petition, this Court directed the Tahsildar, Sompeta

Mandal to consider the application of the petitioner and issue pattadar passbook and title deed; that in compliance of the said order, pattadar passbook was issued to him in the year 2005 mentioning the old Survey number; that he submitted a representation for correction of the Survey number and to get the land surveyed; that in Writ Petition No.9256 of 2016, an interim direction was given to the Tahsildar, Palasa Mandal to dispose of the representation of the petitioner; and that while he was pursuing the said case, the Police authorities, the former Tahsildar, revenue staff and Village Revenue Officers colluded with some third parties and created fabricated patta certificates and also issued pattadar passbooks and title deeds on the basis of the fabricated pattas without any enquiry. The petitioner further averred that he gave a complaint to respondent Nos.4 and 5 in the month of April, 2017 and that he also sent the said complaint by way of registered post, but no action has been taken.

The petitioner further averred that in the complaint, dated 07.5.2017, even though the names of one Maddila Appala Swamy and the revenue authorities were shown as accused, in continuation of the said complaint, vide in his complaint, dated 19.5.2017, he named two more persons as accused, As the

official respondents were hesitating to register the cases against the revenue authorities, again the petitioner made a representation to the revenue and Police authorities to take action against the erring officers for not registering the crime.

Today, when the matter came up for hearing, the learned Government Pleader for Home (Andhra Pradesh) placed before the Court a copy of the F.I.R., vide Crime No.86 of 2017 of Kasibugga Police Station, which was registered, on the basis of the complaint lodged by the petitioner, for the offences under Sections-406 and 420 read with 34 IPC and Section-3(1)(f)(g) of SCs & STs (Prevention of Atrocities) Act, 1989 and submitted that the investigation into the said Crime was taken up.

Learned counsel for the petitioner sought for a direction to be given to the Police authorities to complete the investigation as expeditiously as possible.

As FIR has been registered basing on the complaint lodged by the petitioner, his grievance stood redressed.

Therefore, the Writ Petition is disposed of as infructuous. Respondent No.5 is directed to complete the investigation into the afore-mentioned Crime as expeditiously as possible.

As a sequel, the Miscellaneous Petitions, if any, pending shall stand dismissed.

JUSTICE KONGARA VIJAYA LAKSHMI

04th January 2018

DR

