

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.34146 of 2018

ORDER:

When the matter is taken up for hearing, the written instructions dated 14.11.2018 furnished by the Station House Officer, Athmakur Police Station are placed on record by the learned Government Pleader.

The written instructions dated 14.11.2018 read as under :-

“It is submitted that the petitioner herein filed W.P.No.19321 of 2018 against the revenue and Athmakur police & 4th respondent herein Kandula Venkata Rami Reddy and sought for a declaration, declaring the proceedings of the Revenue Divisional Officer, Athmakur vide proceedings Rc.No.D2/ 937/ 2005 dated 26.02.2018 and panchnama proceedings dated 26.04.2018 conducted by the Tahsildar, Athmakur Mandal in respect of the land of the petitioner under Sy.No.135-2, admeasuring Ac.5.00 cents, situated at Athmakuru village and Mandal, Ananthapur District as illegal and the Hon'ble High Court through its order dated 18.06.2018 in W.P.No.19321/2018 passed the following orders:

“The parties are directed to maintain status quo in all aspects as on date until further orders”.

It is further submitted that the 4th respondent herein lodged a complaint on 21.05.2018 with the respondent No.3 Station House Officer, Athmakur Police Station, Ananthapuram District, wherein he stated that the petitioner and his wife Smt.Shanthamma trespassed into the land of the 4th respondent and threatened. Basing on the complaint of the 4th respondent, a case was registered as Cr.No.55/ 2018 dated 21.05.2018 for the offences U/ s.341, 447, 506 r/ w 34 IPC against the petitioner and his wife (A-1 and A-2) on the file of 3rd respondent and investigation had been taken up. During the course of investigation as many as five (5) witnesses were examined and recorded their detailed statements.

It is submitted that the investigating officer served notices U/ s.41-A Cr.P.C. to the accused and also made a

requisition to the Tahsildar, Athmakur Mandal, requesting to furnish the particular of the land under Sy.No.135-2, admeasuring Ac.5.00 cents, situated at Athmakur village and Mandal, Anantapur District. In turn the Tahsildar, Athmakur Mandal issued proceedings vide Rc.No.(B)/ 242/ 2018 dated 30.07.2018, stating that the complainant is owner of the land under Sy.No.135-2, admeasuring Ac.5.00 cents, situated at Athmakuru village and Mandal, Ananthapur District.

It is submitted that basing on the evidence and merits of the investigation it revealed that the complainant is owner of the said land and the accused trespassed into the said land and threatened and liable to be punished for the offences U/ s. 341, 447, 506 r/ w 34 IPC. The charge sheet was filed on 07.08.2018 vide CC.No.922/ 2018 before the Hon'ble Additional Judicial Magistrate of First Class, Ananthapur District. The copy of charge sheet is filed herein for kind perusal of the Hon'ble High Court.

It is submitted that the petitioner contended that the respondent No.3 Station House Officer, Atmakur Police Station, Ananthapuram District tried to dispossess the petitioner from the land under Sy.No.135-2, admeasuring Ac.5.00 cents, situated at Athmakuru village and Mandal, Anantapur District by calling the petitioner to the police station is incorrect and baseless. In this regard it is submitted that the charge sheet was filed on 07.08.2018 and the present Writ Petition has been filed on 19.09.2018. It is submitted when the charge sheet has already been filed into the Court, the question of calling the petitioner to the Police Station does not arise.

It is submitted that the allegation of the petitioner that the 3rd respondent called the petitioner to the Police Station on 18.08.2018 along with the alleged documents is incorrect and baseless.

It is submitted that the contention of the petitioner that the 3rd respondent interfered with the land of the petitioner and directed him not to enter into the above said land is incorrect and baseless.

It is submitted that except registered the FIR and filing the charge sheet against the petitioner and his wife, the 3rd respondent did not interfere or tried to dispossess the

petitioner by calling him to the Police Station as alleged by the petitioner herein.

It is submitted that the contentions of the petitioner against the respondent No.3 are incorrect and baseless. The Writ Petition is devoid of merits and liable to be dismissed.”

By placing the above instructions on record, the writ petition is disposed of with a further direction to the respondent Police authorities not to call the petitioner to the Police Station unless the same is permissible in accordance with law. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 19.11.2018
Prv

A.V.SESHA SAI, J

