

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.34394 of 2018

ORDER:

When the matter is taken up, written instructions dated 24.09.2018 furnished by the Sub-Inspector of Police, Paloncha Town Police Station are placed on record by the learned Government Pleader for Home.

To the extent of their relevance to the present writ petition, the said instructions read as under:

“One Smt.Danda Ramadevi, w/o.Radhakrishna, Indranagar, Munugur has approached the police of Palvoncha Town Police Station and lodged a complaint on 15.6.2018 at 2000 hrs stating that one Mr.Kodem Venkataiah, Kodem Babu (who are the writ petitioners herein) and their family members have entered into his agricultural land in Sy.No.424 and disturb his work and hence requested to take necessary action against the above named persons as per law.

Upon receipt of the said complaint, an entry was made into the Station General Diary on 15.6.2018 after enquiry action will be taken.

Similarly, on 18.6.2018 at 21.12 hrs, the petitioners herein have approached the Police of Palvoncha Town Police Station and lodged a complaint stating that Mr.Radhakrishna, Ramadevi, Murali Kotaiah who are the non-tribals have provocative the other community and sent to her paddy field covered by Sy.Nos.422/A, 422/AA and disturb their daily work and hence requested to take necessary action against the above named persons as per law.

Upon receipt of the said complaint, an entry was made into the Station General Diary on 18.6.2018 after enquiry action will be taken.

To know the veracity in the contents of the above mentioned complaints, a letter dated 18.06.2018 was addressed to the Tahsildar and Mandal Executive Magistrate, Palvoncha requesting him to depute the Revenue Inspector and surveyor to sort out the land dispute between both the

parties so as to prevent law and problem and also verify the survey numbers.

Pursuant to the same, the Tahsildar, Palvoncha Mandal deputed the Mandal Surveyor and surveyed the land and demarcated the same and submitted his report by way of letter Rc.No.B/779/2018 dated 15.09.2018 to this respondent police station. In the letter, it was stated that Smt.Danda Ramadevi (6th respondent herein) has shown the material evidence for claiming the land as Sy.No.424, whereas Sri Kodem Venkataiah and others (writ petitioners herein) shown pahani nakals of Sy.No.422 for the same land and hence, Smt.Danda Rmadevi is having evidence on Sy.No.424 (registered sale deed & PPB/TD) and as per the survey report of the Mandal Surveyor, Palvoncha, Smt.Danda Ramadevi is in physical possession over the subject land in Sy.No.424 of Paloncha village and Mandal.

In view of the above reasons, no action was taken on the complaints of the petitioners herein and as well as Smt.Ramadevi (6th respondent herein) except advising them to seek their redressal in a competent court of law as it is a case of civil in nature.

Since the dispute of the petitioners herein as well as the unofficial respondents herein is purely civil in nature and hence no action whatsoever was taken on their complaints.

It is humbly submitted that at any point of time, this respondent police never interfered with the subject land of the petitioner herein.

Except conducting preliminary enquiry on their complaints ie., petitioner herein on 18.6.2018 and 6th respondent herein on 15.6.2018 by addressing letter to the Tahsildar, Paloncha Mandal, this respondent never summoned the petitioners to the police station nor acted as per the behest of the unofficial respondents herein.

It is humbly submitted that his respondent police are not the competent authorities to evict the petitioners from the subject lands in question.

It is submitted that the allegation of the petitioner that this respondent has repeatedly calling them to the police station and warned them not to enter into the land is absolutely false and hence denied.”

Having regard to the written instructions and taking into consideration the submissions of the learned counsel for the petitioner and the learned Government Pleader for Home, this Court deems it appropriate to dispose of the writ petition by placing on record the above said instructions.

Accordingly, the writ petition is disposed of by placing on record the written instructions dated 24.09.2018 furnished by the Sub-Inspector of Police, Paloncha Town Police Station. There shall be no order as to costs.

Miscellaneous Petitions pending consideration, if any, in this Writ Petition shall stand closed.

Date :23.10.2018
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JUSTICE A.V.SESHA SAI

