

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.35339 of 2018

ORDER:-

When the matter is taken up, the written instructions furnished by the Station House Officer, Asifabad P.S., KMB Asifabad District, dated 30.11.2018, are placed on record by the learned Government Pleader. The said instructions read as under:-

"It is submitted that the petitioners have given a report dated 24.06.2018 with the S.I. of Police, Asifabad P.S., stating that they are the pattedars of land bearing Sy.No.181/2/B to an extent of Ac.3.0440 gts., and Sy.No.181/5/E to an extent of Ac.3.44 gts., situated at Dampur village, H/o.Chirrakunta, Asifabad Mandal, Komurambheem Asifabad District. However, Chennaboyina Mallesh Yadav, R/o.Ullipitta intentionally trespassed, occupied and cultivate their land without their authorization.

It is submitted that the petitioners again given a report dated 26.07.2018 stating that pursuant to their earlier report, dated 24.06.2018, the Police enquired into the matter. On that Mallesh undertook not to meddle with the subject land. However, on 16.07.2018 Mallesh and Ashok asked him to pay Rs.50,000/- as they invested said amount for raising the crop, but he refused to pay. On that, the said Mallesh and Ashok once again entered his land and cultivating the same.

It is submitted that the 1st petitioner D.Shankar again given a report dated 17.09.2018 and while referring the earlier two complaints, stated that Mallesh and Vinod have no legal right over his land; that he never transferred his land to them, however the said persons are interfering with his possession and enjoyment of the property and by stating that the said Mallesh and Vinod are threatening him of dire consequences requested for Police protection to him and to his family.

It is submitted that the petitioners have also given similar report dated 17.09.2018 to the Superintendent of Police, Komurambheem Asifabad District, vide C.No.231/CCC/KBM-Asf/2018 and the Superintendent of Police directed the C.I. of Police, Asifabad Town to conduct enquiry and take action.

It is submitted that the sum and substance of all the reports are one and the same. The alleged persons are interfering with the petitioner's possession in respect of the subject property. It is submitted that based on the above reports, the Police made necessary GD entries and conducted enquiry.

The S.I. of Police visited Dampur village and examined 1) Durva Namdev, 2) Durva Vinod, 3) Durva Ashok and 4) Kisku Aruna. They disclosed that Mukund, Shankar, Laxman and Naamdev are own brothers and they are absolute and real owners of the land admeasuring 12 acres situated at Dampur village and the said land property sharing equally among 4 own brothers. Durva Naamdev given his land on lease to Chennaboina Mallesh Yadav vide Lease Agreement, dated 06.03.2018, before the caste elders and since then Mallesh Yadav is cultivating the land. The petitioners did not digest the said Lease Agreement, thereby demanding Mallesh Yadav to lease the ldn. The petitioners intentionally made allegations against Mallesh Yadav and Vinod. The alleged persons Mallesh Yadav and Vinod have not insulted the petitioners. The enquiry further revealed that there are disputes among 4 brothers since long time and it is purely civil in nature.

It is submitted that since the enquiry revealed that the subject matter of the complaints are purely civil in nature, the Police have not taken any further action. After enquiry, the Inspector of Police, Asifabad P.S., also submitted a detailed report to the Superintendent of Police, KMB Asifabad District.

It is submitted that after enquiry, the petitioners were also informed that the subject matter is civil in nature and Police cannot interfere with the same. A communication in this regard was also sent to the petitioners by post. It is submitted that though the petitioners were informed that Police cannot take any action on their complaint since the matter is civil in nature, the petitioners went on making representations one after another with the very same set of facts.

It is submitted that the petitioners knowing fully well that the alleged persons Mallesh and Vinod are cultivating the land as per the Lease Agreement given in their favour by one of their brothers D.Naamdev and since the same was not to their liking, instead of settling their family disputes, they are trying to involve the Police in civil matters.

It is submitted that the writ petition seems to have been filed with a malafide intention and there are no merits in the above Writ Petition.

It is submitted that, as stated above, action has already been taken on the reports given by the petitioners and the petitioners were also informed that the subject matter is civil in nature and the Police cannot interfere with the same."

Accordingly, the Writ Petition is disposed of, by placing on record the said instructions furnished by the Station House Officer, Asifabad P.S., KMB Asifabad District, dated 30.11.2018,

with a liberty to the petitioners herein to avail the other remedies open to them, in accordance with law.

Miscellaneous petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

A.V.Sesha Sai, J

Date:03.12.2018
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