

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

WRIT PETITION No.35885 of 2018

ORDER:

When the matter is taken up, written instructions, dated 04.10.2018, furnished by the Station House Officer, Kodad Police Station, are placed on record by the learned Government Pleader. The said instructions, to the extent of their relevance to the present Writ Petition, read as under:

"It is submitted that the petitioner has given a report dated 14.6.2018 with PS, Kodad Town, Suryapet District stating that she has purchased House No.12-155/7/6/5/A/3 bearing Plot No.28 admeasuring 333 sq.yds. in Sy.No.1046/4 situated in Kodad town on 10.6.2010 from Muthaiah Chary for Rs.3.09 lakhs under Registered Sale Deed-cum-GPA Doc.No.8273/2010, dt.11.10.2010. Due to financial problems, she went to Kusumanchi and stayed there for some period. On 10.8.2018 she along with her son came back and found 2 storeyed building on her plot constructed by Shaik Iqbal Ahmed. When she questioned, the said Shaik Iqbal Ahmed stated that the said Plot belongs to him. On that the petitioner contacted Dhanalakshmi, who is the wife of Muthaiah Chary and Dhanalakshmi told that her daughter Vijayalakshmi gifted the said property to her. Later, she went to Sub-Registrar's office and came to know that she was cheated. She requested to take necessary action against 1) Dhanalakshmi, 2) Vijayalakshmi and 3) Shaik Iqbal Ahmed.

It is submitted that based on the above report, a case in Crime No.165/2018 u/s 420 IPC, dated 14.6.2018 was registered against 1) Dhanalakshmi, 2) Vijayalakshmi and 3) Shaik Iqbal Ahmed. During the course of investigation, the complainant and one Mamillapally Srinivas Chary were examined and recorded their statements. Later, visited the scene of offence, caused discrete enquiries about the occurrence of offence and drawn rough sketch of the scene of offence. Thereafter, collected related documents with regard to the construction of house by the accused persons and it revealed that the Municipal Commissioner issued permission to the accused for construction of house.

It is submitted that as per the documents, Smt. Shaik Rizwana has constructed G+1 building on the disputed plot with the permission given by the Commissioner, Kodad Municipality vide File No. 3046/ W26/2018/1016, dated 6.3.2018. Therefore, a letter dated 2.7.2018 was addressed to the Commissioner requesting to verify both building sanction orders and furnish actual ownership particulars of disputed house property. The Commissioner was also requested to stop the construction of G+1 building by Smt.Shaik Rizwana. Since no reply has been received, a reminder letter dated 3.10.2018 was addressed to the Commissioner, Kodad Municipality and on the same day, a reply was received stating that on the basis of Town Planning Staff recommendation, building

permission was given by the office and the building construction was completed.

It is submitted that the investigation in the above Crime is pending for examining some more witnesses and collection of evidence. It is submitted that after completion of investigation, appropriate report will be filed before the concerned Court.

Therefore, it is not correct to contend that the Kodad Town Police are not conducting investigation and not taken any action in the FIR is without any merit and untenable”.

By placing on record the above written instructions, Writ Petition is disposed of, with a direction to the respondent-police authorities to complete the investigation and file final report, as expeditiously as possible. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

24th October, 2018
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A.V.SESHA SAI, J

