

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.37250 of 2018

ORDER:-

When the matter is taken up, the written instructions furnished by the Sub-Inspector of Police, Mutyalareddypalli Police Station, Tirupathi Urban District, dated 12.11.2018, are placed on record by the learned Government Pleader. The said instructions read as under:-

“It is submitted that the 3rd respondent Station House Officer, Mutyalareddypalli Police Station, Tirupathi Urban District had received the petitioner's representation, dated 24.07.2018, through the 2nd respondent Superintendent of Police, Tirupathi Urban District against one Smt.Kobhaku Visalakshi and others for committing cheating and illegal encroachment of the land of the petitioner under Sy.No.13, admeasuring Ac.2.50 cents, situated at Avilala village, Tirupathi, by virtue of unregistered sale deed, dated 02.09.2011, from the said Smt.Kobhaku Visalakshi. But the said Smt.Kobhaku Visalakshmi and others trespassed into the said land and tried to make construction.

It is submitted that pursuant to the endorsement of the Superintendent of Police, Tirupathi Urban District vide C.No.G2/3936/505/SP/2018, dated 18.08.2018, the 3rd respondent enquired into the matter and submitted a report to the Superintendent of Police, Tirupathi Urban District, stating that there was a civil dispute between the petitioner and the said Kobhaku Visalakshi before the Hon'ble Supreme Court of India vide S.L.P.No.26175/2016 and in the High Court in W.P.No.32259/2014 and also before the Special

Deputy Collector, Land Acquisition, TTD, Tirupathi, vide ROC.No.A/110/87, dated 18.06.1991, and also dispute pending before the civil Court. It was further revealed that the petitioner along with his followers made nuisance at the said disputed land with a malafide intention to encroach the said land. The petitioner also involved as Accused No.2 on the file of M.R.Pally Police Station with regard to the above said disputed land (i) Cr.No.328/2017 for the offences under Sections 147, 148, 448 and 435 r/w 149 I.P.C., and investigation is under progress and (ii) Cr.No.352/2017 for the offences under Sections 147, 148, 323, 506 r/w 149 I.P.C., and Section 3(1)(R)(S) of SC&ST (POA) Act and the case is pending trial vide Special S.C.No.06/2018. As such the said land is under civil dispute, hence no FIR was registered. In this regard, the same was informed to the petitioner by way of notice on 11.11.2018.

It is submitted that the contention of the petitioner that the respondents 2 and 3 did not take action on his representation/complaint is incorrect and baseless.”

Having regard to the contents of the above instructions, the Writ Petition stands disposed of, keeping it open for the petitioner herein to avail the other remedies, 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:23.11.2018
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