

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.37815 of 2018

ORDER:-

When the matter is taken up, the written instructions furnished by the Sub-Inspector of Police, Mannur P.S., Kadapa District, are placed on record by the learned Government Pleader. The said instructions read as under:-

“It is to submit that the issue between the writ petitioner and the respondents 5 to 7 are relating to their landed properties. The petitioner herein is the daughter of 5th respondent and sister of the respondents 6 and 7. In connection with their landed properties, the respondents 5 to 7 herein are going to alienate the lands without giving her share, basing on the orders obtained by them by way of filing W.P.No.17070/2013 in the name of her mother, who died previously.

It is to submit that all the allegations raised in the Writ Petition against the 4th respondent in not conducting the investigation and not taking action against the respondents 5 to 7 are incorrect and baseless.

It is respectfully submitted that the 4th respondent herein registered Cr.No.388/2018 basing on the endorsement from the Hon'ble Judicial Magistrate of First Class, Rajampet, against the respondents 5 to 7 for the offences under Sections 191, 192, 196, 207, 404, 406, 420, 425, 464, 465, 463 and 465 I.P.C. After registering the said crime, during the course of investigation, the 4th respondent examined as many as seven persons as L.Ws.1 to 7 and also collected necessary documents from the Registration Department and also from the Primary

Agricultural Cooperative Society, Nandaluru, for the purpose of further investigation.

It is respectfully submitted that during the course of investigation reveals that L.Ws.1 to 7 were examined and recorded their detailed statements. The L.W.1 mother is the owner of schedule property to an extent of Ac.1.50 situated in Sy.No.1261/4 cents in Thallapaka village. Later, on 04.11.2011, the LW.1 mother and wife of A.1 was died and after death of deceased, A.1 who is the husband of deceased inherited her property as legal heir. Later, the accused No.1 approach the Hon'ble Court and filed writ vide W.P.No.17070/2013 in the name of Thulava Venkata Subbamma and obtained orders from the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh in favour of Thuluva Venkata Subbamma and later the accused No.1 to sell the property to LW.3 Later, LW7 who is Sub-Registrar, Rajampet, as per the orders of the Hon'ble High Court vide W.P.No.17070/2013 got registered the property on the name of LW.3 sold by accused No.1. Basing on the evidence of LW.6 it clearly established that on 26.09.2012 on the request of A.1, LW6 society issued membership in Primary Agricultural Cooperative Society, Nandalur, to LW.1 deceased mother. Later, the LW.1 deceased mother mortgaged their land passbook at Sub-Registrar Office and orders issued for loan an amount of Rs.1,00,000/- and later on enquiry about the death of LW.1 mother, LW.6 society cancelled the loan and there is no loan issued on the name of LW.1 deceased mother.

It is respectfully submitted that the accused A.1 who is none other than father of LW.1, after death of LW.1 mother, the accused No.1 approached

the Hon'ble Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh and filed Writ Petition vide W.P.No.17070 of 2013 in the name of Thulava Venkata Subbamma and obtained orders in favour of Thulava Venkata Subbamma, thereafter the accused No.1 sold the property of LW.1 deceased mother to LW.3 for valid consideration and LW.7 who is the Sub-Registrar, Rajampet, registered tsite on the name of LW.3.

It is respectfully submitted that all transactions held due to orders of the Hon'ble High Court of Judicature at Hyderabad and police no way concerned to the Orders of Hon'ble High Court and has to be obeying the orders of Hon'ble Court. At present, LW.1 has liberty to approach the hl High Court and render justice in her favour by contesting the Orders of W.P.No.17070/2013 and the complainant (LW1) lodged private complaint is purely "civil in nature".

Further respectfully submitted that in this connection, I send CD filed to APP for opinion. After seeking opinion from APP and instructions from my superiors, I will finalize the case.

It is respectfully submitted that as the issue involved in the impugned crime is a civil litigation and it belongs to ancestral property. Hence, the 4th respondent herein is to collect documents from other Departments and has to examine the said documents and has compare with the other documents. As it is a time being process, so there is a marginal delay in completing the investigation of impugned crime. More over, without establishing the alleged accusation against the unofficial respondents, the 4th respondent did not commit any illegality or irregularity as alleged by the writ petitioners herein in conducting investigation and initiating action

against unofficial respondents. The respondent Police have great respect on the Courts and its Orders. This respondent will obey the Order if any passed by this Hon'ble Court in connection with the present Writ Petition."

Accordingly, the Writ Petition is disposed of, by placing on record the said instructions furnished by the Sub-Inspector of Police, Mannur Police Station, Kadapa District, with a further direction to the respondent-Police authorities to complete the investigation, as expeditiously as possible.

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

Date: 10.12.2018
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A.V.Sesha Sai, J