

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.39236 of 2018

ORDER:-

When the matter is taken up, the written instructions furnished by the Station House Officer, Varadaiahpalem Police Station, Chittoor District, dated 09.11.2018, are placed on record by the learned Government Pleader. The said instructions read as under:-

"It is submitted that the crux of the issue of the writ petitioner is that the alleged accused persons trespassed into his lands, demolished his neem trees, bounded his land by raising stones and fenced the same. They further laid a foundation stone for construction of church. Moreover, theyd have been threatening him with foisting false cases against him under the possession of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. Though the same was intimated to the respondents 2 to 4 therein, they did not initiate any action against them.

It is submitted that after receipt of the said complaint, the 4th respondent herein enquired into the matter and also contacted the Tahsildar, Varadaiahpalem Mandal, on 15.09.2018, regarding the ownership of the land in dispute. In turn, the Tahsildar, Varadaiahpalem issued his reply through letter, dated 01.10.2018, disclosed that the writ petitioner herein is no way concerned with the land in dispute. Copy of the letter, dated 01.10.2018, issued by the Tahsildar, Varadaiahpalem, is enclosed herewith for kind perusal.

It is pertinent to mention here that in connection with the same disputed land, due to the illegal acts committed by the writ petitioner herein, a case in Cr.No.47/2018 was registered against him, by the 4th respondent, under Sections 447 and 427 r/w 34 I.P.C. In this case, he was served notice under Section 41-A Cr.P.C. The said crime is under investigation.

It is respectfully submitted that this respondent did not commit any illegality or irregularity as alleged by the writ petitioner herein in not registering the crime. This respondent has great respect on the Courts and its orders. Basing on the judgment passed in Lalith Kumar v. State of U.P., this respondent conducted enquiry in this issue, after receipt of complaint from the writ petitioner herein and came to know that the allegations leveled in his complaint are false, basing on the material evidence collected from the Tahsildar concerned. Hence, the allegation of the writ petitioner herein is denied herewith.

It is submitted that after closing the complaint submitted by the writ petitioner herein, the 4th respondent herein sent Notice to the complainant, through Post on 09.11.2018, by disclosing all the factual aspects in connection with his complaint. This respondent will obey the orders, 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 Station House Officer, Varadaiahpalem Police Station, Chittoor District, dated 09.11.2018, with a liberty to the petitioner herein to avail the remedies open to him 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:29.11.2018
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