

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.39356 of 2018

ORDER:-

When the matter is taken up, the written instructions furnished by the Sub-Inspector of Police, Rayachoty Police Station, Kadapa District, dated 05.11.2018, are placed on record by the learned Government Pleader. The said instructions read as under:-

“The facts of the case are that the Assistant Engineer, A.P.State Housing Corporation, rayachoty submitted a written report on 30.07.2018 with the Station House Officer, Rayachoty Police Station, Kadapa District, stating that the Housing Corporation taken a godown from the petitioner herein on lease basis. But some unknown persons came to the said godown along with JCB and crowbars and demolished the godown, due to which 4 cement bags in godown damaged and caused loss of Rs.960/-. Basing on the complaint of the said Engineer, a case was registered in Cr.No.955/2018 dated 30.07.2018 for the offences under Section 427 I.P.C. and Section 3 of PDPP Act against unknown persons and investigation has been taken up. During the course of investigation, it revealed that the respondents 5 to 10 damaged the said godown, hence their names arrayed as A.1 to A.6. It is submitted that A.1 and A.2 were arrested on 29.10.2018 and sent for judicial remand. The remaining accused are absconding. After completion of investigation, an appropriate report will be filed before the concerned Hon'ble Court.

It is submitted that after registering the F.I.R. No.955/2018, the petitioner approached the Rayachoty Police Station and orally requested to register a case against respondents No.5 to 10 with regard to demolition of said godown, when the Rayachoti Police informed the petitioner that already FIR was registered, again he sent a similar complaint through registered post. In this

connection, it is submitted that already FIR No.955/2018 dated 30.07.2018 under Section 427 I.P.C. and Section 3 of PDPP Act was registered against the respondents No.6 to 18 in respect of the subject property, hence no another FIR was registered on the complaint of the petitioner herein. In this regard, Rayachoty Police informed the same to the petitioner by way of notice through registered post on 05.11.2018.

It is submitted that the petitioner contended that the respondents No.2 to 4 not taken action on his complaint, dated 30.07.2018 against the respondents 5 to 10. In this regard, it is submitted that already FIR No.955/2018 dated 30.07.2018 under Section 427 I.P.C. and Section 3 of PDPP Act was registered against the respondents No.6 to 10 in respect of the subject property and the same was informed to the petitioner herein.”

On noticing the same, it is requested by the learned Counsel appearing for the petitioner to place the above instructions on record and dispose of the Writ Petition.

Accordingly, the Writ Petition is disposed of, by placing on record the said instructions furnished by the Sub-Inspector of Police, Rayachoty Police Station, Kadapa District, dated 05.11.2018.

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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