

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

WRIT PETITION No.40467 of 2018

ORDER:

Heard learned counsel for the petitioners and the learned Government Pleader for Home, apart from perusing the entire material available on record.

When the matter is taken up, written instructions, dated 20.11.2018, furnished by the Station House Officer, Chennur Police Station, Mancherial District, are placed on record by the learned Government Pleader. The said instructions, to the extent of their relevance to the present Writ Petition, are as under:

"The petitioners / V. Mallaiah, V. Durgaiah, V.Ankaiah and V.Madunaiah have filed the present writ petition alleging that the respondents are not conducting investigation and not filing final report in FIR No.52/2018 u/s 468, 471, 420 r/w 34 IPC dt 30.3 2018 of Chennur PS. Mancherial District.

It is submitted that the 2nd petitioner has given a report stating that, the land in Sy.No.206/14-10 guntas is on the name of Vadla Konda Durgaiah and Sy.No.206/14-11 guntas land is on the name of Vadlakonda Gattaiah, total 8.21 guntas Lavan patta land at the outskirts of Asnad village of Chennur Mandal. The said land was issued to them is their livelihood. One Gadde Ankireddy and Gadde Satyanarayana Reddy fabricated fake documents as they did not sold the land to them and got patta patta in their names without their notice, they did not write any paper to them. They wrote as their own and put forged signatures. They have no connection with that forged papers. On 21.2.2018 at 1100 hours when they went to their own land, said Gadde Ankireddy was not allowed to enter into their land. The complainant requested to take necessary action in the matter.

It is submitted that based on the above report, a case in Crime No.52/2 018 u/s 468, 471, 420 rw 34 IPC, Section 3 (1) of SCIST POA Act, dated 30.3.2018 was registered and took up for investigation. The Commissioner of Police, Ramagundarm appointed the ACP, Jaipur as Investigation Officer in the case.

As per the facts and collection of evidence during the investigation, it is revealed that L.Ws.1 to 4 are the own brothers, L.W.5 is the son of L.W.1. They are residing at Asnad village of Chennur Mandal. The alleged accused A1 is the father of A2, they are residing in Erraguntapalli village of Chennur mandal. The dispute land is situated in Asnad Village Shivar. It is Khareejukhatha land. The

alleged Accused No.1 has been cultivating the disputed land from more than 35 years. As per the version of the witnesses LWs.6 to 12, the accused persons, did not cultivate the dispute land in any manner, actually the alleged accused persons have been in possession since 1977-78. As per the revenue records the alleged accused persons have been in the possession since 2003-04. During enquiry, LW.1 to LW 4 orally admitted that, they did not go to the disputed land on 21.2.2018 at 1100 hours as mentioned in the petition.

The investigation further revealed that alleged accused A1 and A2 have been in possession since so many years and they have patta as per the revenue records. The alleged A1 and A2 purchased disputed land from LW-1 to 4, as they have patta for this land. The LW-1 willingly sold land in Sy.No.206/1 Ext. 4.10 acres to A1 and LWs.1 to 4 sold the land in Sy.206/2, Ext.4.11 acres to A2 as they got the land as heredity from their father late Gattaih. The LWs.1 to 4 gave their statements in the Tahsildar office, as they were sold this land to A1 and A2 on Saada By Naama. The allegations of L.Ws.1 to 4 are false, the alleged 1 and A2 have not fabricated any fake papers. They willingly sold the land to the alleged accused persons, who have possession in the disputed land, as they have pattas in their names.

The investigation revealed that the allegations made by the complainant against the alleged accused persons are false and the said allegations have not been proved. Moreover this is purely land dispute. The offences u/s 468, 471, 420 r/w 34 IPC and Section 3 (1)(0 of SC/ST POA Act, 1989 r/w Amendment Act, 2015 are not established against the alleged accused A1 and A2.

It is submitted that, after completing the investigation, a letter dated 30.6.2018 was addressed to the Dy.Inspector General of Police, Karimnagar Range, Karimnagar requesting to accord permission to refer the case as Civil in Nature. It is submitted that the file was circulated to the Dy. Commissioner of Police, Mancherial District and further to the Commissioner of Police, Ramagundam and the Commissioner of Police permitted to refer the case as Mistake of Fact. It is submitted that, we are taking necessary steps to file Final Report before the concerned Court by following due process of law.

In view of the above mentioned facts, the contention that the Police are not taking steps to file final report before the concerned Court is not correct and hereby denied.

For the above said reasons, it is prayed that this Hon'ble Court may be pleased dismiss the writ petition".

Eventually a request is made by the learned counsel for the petitioners to dispose of the Writ Petition by placing on record the above instructions.

By placing on record the above written instructions, Writ Petition is disposed of, directing the respondent-police authorities to file a final report as expeditiously as possible. It is open for the petitioners to avail the remedies open in accordance with law. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

03rd December, 2018

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A.V. SESA SAI, J

