

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.42498 of 2018

ORDER:-

When the matter is taken up, the written instructions furnished by the Sub-Inspector of Police, Markapur P.S., Prakasam District, dated 30.11.2018, are placed on record by the learned Government Pleader. The said instructions read as under:-

"It is submitted that on a complaint from one Perumalla Srinivasa Rao, came to the Police Station and submitted a report stating that they are in possession and enjoyment of land to an extent of Ac.40-00 cents in Sy.No.1475 to 1483 in Markapur Municipality, Prakasam District, the same was registered under a valid registered documents from the previous owners. Thereafter, the names of the complainant were also mutated in the revenue records. The Scheduled Caste political leaders of Markapuram formed as a group and tried to grab the lands of the complainant. The Scheduled Caste people approached and filed appeal before the Revenue Divisional Officer in Rc.A.No.561/2017. The complainant filed material documents before the RDO and thereafter the RDO ordered on 25.10.2017 dismissed the plea of the petitioners.

It is submitted that the Sub-Inspector of Police, Markapuram P.S., verified the contents of the Writ Petition filed by the writ petitioner and the material documents submitted by the complainant viz., Perumalla Srinivasa Rao clearlydiscloses that the writ petitioner is not having any valid document to show the possession of the property of Ac.40.00 in Sy.No.1475 to 1483 of Narasimhapuram village, Markapur Mandal.

It is submitted that the writ petitioners filed the present Writ Petition suppressing the facts that the Mandal Revenue Officer, Markapur, issued proceedings in Rc.C.412/2007, dated 05.10.2014 that the writ petitioners are not having any valid right over the property of Ac.40.00 in Sy.No.1475 to 1483 of Narasimhapuram village, Markapur Mandal. The same was cofirmed by the Revenue Divisional Officer, Markapuram, the Orders of the Tahsildar, Markapur, vide Rc.No.561/2017, dated 25.10.2017.

It is submitted that basing on the above complaint, a case in Cr.No.162/2018 ws registered for the offences under Sections 447, 427 r/w 34 I.P.C., against the writ petitioners/accused and issued F.I.R. The Sub-Inspector of Police, Markapuram, examined 4 witnesses and recorded their statements. The Sub-Inspector of Police, Markapuram, also collected the material documents from

the complainant. The investigation is under process. The Sub-Inspector of Police, Markapuram, filed requisition before the Tahsildar, Markapuram, and to submit the information about the title over the property of Ac.40.00 in Sy.No.1475 to 1483 of Narasimhapuram village of Markapuram Mandal.

It is submitted that the Station House Officer, Markapuram P.S., never entered into the civil disputes and never called the petitioners to the Police Station. The Sub-Inspector of Police, Markapuram basing on the registration of the case in Cr.No.162/2018 against the petitioners/accused the Sub-Inspector of Police, Markapuram P.S. called the writ petitioners to the Police Station for issuance of notice under Section 41-A of Cr.P.C., and to cooperate with the investigation in Cr.No.162/2018. The writ petitioners after receipt of notice under Section 41-A Cr.P.C., did not produce any valid documents to show the possession of the property of Ac.40.00 in Sy.No.1475 to 1483 of Narasimhapuram village of Markapuram Mandal, Prakasam District. But the petitioners/accused are absconding fromt commission of offence. The investigation in this case is under progress. Some more witnesses have to be examined.”

Accordingly, the Writ Petition is disposed of, by placing on record the said instructions furnished by the Sub-Inspector of Police, Markapuram Police Station, Prakasam District, dated 30.11.2018, with a direction to the respondent-Police authorities not to interfere with the civil disputes unless the same is permissible in accordance with law. It is also made clear that the respondent-Police authorities to proceed strictly by following due process of law. Miscellaneous petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

A.V.Sesha Sai, J

Date:17.12.2018  
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