

**HONOURABLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION NO.1098 OF 2019**

**Date: 14.03.2019**

Between:

Purra Danaiah, s/o. late Narasimha, aged about 50 years,  
Occu: Mason, r/o.Prakash Nagar, Kukatpalli (V&M),  
Medchal district.

.....Petitioner

and

The State of Telangana, rep.by its Prl.Secretary,  
Home Department, Secretariat Buildings, Hyderabad,  
and others.

.....Respondents



The Court made the following:

**HONOURABLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION NO.1098 OF 2019**

**ORDER:**

Petitioner claims that he, his brother and sisters are the lawful owners and possessors of house site admeasuring 1000 square yards in Madigala Grama Kantam of Kukatpalli village. He raised temporary sheds. However, neighbouring pattadar in Sy.No.528 was aiming to grab this piece of land even though he sold the entire extent of land owned by him in the said survey number. O.S.No.131 of 2008 filed by him was dismissed by the Additional Junior Civil Judge, Kukatpally vide judgment and decree dated 27.04.2015. However, he instigated the others and O.S.No.221 of 2018 is filed, pending in the V Additional Junior Civil Judge, Kukatpally, and obtained injunction order. Alleging that illegal construction is made in the land belonging to him, he filed complaint before the Station House Officer, Kukatpally on 12.01.2019. Alleging inaction on the said complaint, this writ petition is filed.

2. In the prayer petitioner sought that action of Police in not registering the crime reported by him on 12.01.2019 is contrary to the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'Act, 1989'), and the principle laid down by the Supreme Court in **Lalita Kumari Vs. Government of Utter Pradesh**<sup>1</sup>, and sought for consequential directions.

3. However, on perusal of complaint dated 12.01.2019, it is seen that there is no mention of violation of the provisions of the

---

<sup>1</sup> 2014 (2) SCC 1

Act by the persons mentioned therein, but what is alleged is illegal encroachment and construction in their Grama Kantam land by relying upon false sale deed and trying to encroach their land. Further, no material is placed on record in proof of filing of said complaint. Though representation was made to the District Collector-cum-Magistrate-cum-Chairman, Review Committee, Medchal-Malkajgiri district on 05.01.2019, wherein protection under Section 17 of the Act, 1989 was also sought, but no relief is sought on the said representation in the writ petition.

3. In W.P.No.38397 of 2018 and batch, this Court considered the issue of maintainability of Writ Petition against non-registration of crime and on elaborate consideration of the issue, it is held that ordinarily writ petitions are not maintainable on the allegation of non-registration of crime and aggrieved person has to avail remedies provided by the Cr.P.C. Thus, following the said decision, this Writ Petition is also dismissed, leaving it open to petitioner to work out alternative remedy on the allegation of non-registration of crime reported by him. It is made clear that no opinion is expressed on the claim of petitioner on the conduct of persons attracting provisions of the Act, 1989. Pending miscellaneous petitions shall stand closed.

---

JUSTICE P.NAVEEN RAO

Date: 14.03.2019  
kkm

**HONOURABLE SRI JUSTICE P.NAVEEN RAO**



**WRIT PETITION NO.1098 OF 2019**

**Date: 14.03.2019**

*kkm*