

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 1356 of 2019

Date :14.3.2019

Between:

Md Afzal Hussain S/o Moulana Shareef Age 71 Years Occ Fruits
Vendor R/o 2317 Sree Sree Nagar Mancheria Mancheria District
Petitioner

And

The State of Telangana
Rep by its Principal Secretary Home Department Secretariat
Hyderabad & others
Respondents

The Court made the following:



HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 1356 of 2019

ORAL ORDER:

Heard learned counsel for petitioner and learned Government Pleader for Home.

2. Petitioner claims to be owner and possessor of land to an extent of Ac.2.10 guntas in Survey No. 42/5; Ac.1.09 guntas in Survey NO. 52 and Ac.0.33 guntas in Survey No. 53 , Naspur village and mandal, Mancherial district. He alleges that 4th respondent with an intention to grab his property fabricated the documents and submitted application to Tahsildar to incorporate his name in the revenue records. The said application was rejected, against which a revision was filed and the same was also dismissed by Joint Collector, Mahcherial. He further alleges that based on fake and fabricated documents 4th respondent trespassed into his property and threatened him with dire consequences and tried to kill him. Petitioner stated to have filed written complaints on several occasions, the latest being complaint dated 5.1.2019. It appears Crime No. 156 of 2018 is registered and pending and petitioner alleges that when police declined to receive subsequent complaint, he sent the same by way of registered post to respondents 2 and 3. Petitioner alleges that since he has life threat from 4th respondent, police protection is to be provided to him.

3. Hence, petitioner filed this writ petition praying to grant police protection to him to protect his life and immovable properties and to declare the action of third respondent in not concluding the investigation in Crime No. 156 of 2018 as illegal.

4. Three distinctive prayers are sought by petitioner. In the first limb of the prayer, petitioner seeks protection to person and property. In the second limb his prayer is against delay in concluding

investigation in Crime NO. 156 of 2018 and in the last limb his prayer is against not registering the crime on the complaint filed by him on 5.1.2019.

5. The averments in the affidavit filed in support of the writ petition would disclose that the first limb of prayer flows out of two complaints covered in second and third limb of prayers. Though, his complaints are vague, in the affidavit he alleges that 4th respondent is encroacher of land, occupies wherever land is found vacant to extract money. He further alleges that 4th respondent and his mother by impersonation created some false and fabricated documents claiming as owners. These facts perse disclose that there is inter-se civil dispute. When there is some civil dispute, it is not proper to direct police to involve in such disputes.

6. On the issue of maintainability of writ petition against not registering crime and / or not investigating into crime, on elaborate consideration of the issue and having regard to the law laid down by the Supreme Court and view expressed by other High Courts, in the judgment dated 8.3.2019 in W.P. 38397 of 2018 and batch, this Court held that petitioners have to avail statutorily engrafted remedies available to them on issue of non registration of crime and cannot directly invoke the jurisdiction of this Court.

7. The writ petition is dismissed. However, it is made clear that there is no expression of opinion on merits and what is discussed herein above, is only for limited purpose of considering the issue in the writ petition. It is open to petitioner to workout his remedies on all three prayers sought in the writ petition. No costs. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 14-3-2019
TVK

HONOURABLE SRI JUSTICE P. NAVEEN RAO



WRIT PETITION No. 1356 of 2019

Date : .3.2019

