

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION NO.3451 OF 2013

ORDER:

Heard the learned counsel for the petitioners as well as the learned Government Pleader for respondents 1 and 2.

The prayer sought in the Writ Petition is as under:-

“...to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus, to declare the action of the 2nd respondent in causing his interference in the civil issues with regard to our possession and enjoyment in respect of the land in Sy.No.503/A, situated at Attapur Village, Rajendernagar Mandal, Ranga Reddy District without nay authority and jurisdiction, despite the 3rd respondent informing that the subject land is classified as patta vide his letter No.D/1031/20-12 dt.12.09.2012, as being illegal, arbitrary and unconstitutional and consequently direct the 1st respondent herein to take action against the 2nd respondent for adopting illegal methods and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.”

During the course of hearing, learned Government Pleader placed on record the written instructions dated 12.11.2019 issued by the Sub-Inspector of Police, Langerhouse P.S., Hyderabad.

From a perusal of the written instructions, it is revealed that on 07.04.2012, the Assistant Executive Engineer, Sub-Division-I, City Roads Division, Hyderabad, lodged a complaint with the second respondent stating that some unknown persons are constructing compound wall in the land in Survey No.503/A situated at Attapur Village, Rajendranagar Mandal, Ranga Reddy District, which belongs to R & B Department. In fact the said unknown persons removed the board, which was erected by the

R & B Department and hence, requested to take necessary action as per law. Pursuant to the said complaint, a case in Crime No.140 of 2012 was registered for the offences under Sections 447 and 427 of the Indian Penal Code (IPC) and Section 5 of the A.P. Land Grabbing Act read with Section 34 IPC on the file of Langerhouse P.S. During the course of investigation, witnesses were examined and their statements were recorded. Thereafter, a charge sheet was filed before the III Additional Chief Metropolitan Magistrate, Nampally. After taking cognizance of the offences, the same is numbered as C.C.No.1258 of 2018. The case is posted on 10.12.2019 for examination of the accused.

That apart, respondent No.2 also filed counter affidavit denying the averments made in the affidavit filed in support of the Writ Petition and contended, *inter alia*, that the respondents never interfered with the peaceful possession and enjoyment of the subject property of the petitioners herein. It is also further mentioned that if R & B officials are impleaded as party-respondents, the true facts would come to light and that is the reason why the said authorities were not impleaded as party-respondents in the present Writ Petition.

Be that as it may, when a specific averment is made in the counter affidavit that the respondent-police are not interfering with the peaceful possession and enjoyment of the petitioners in respect of the subject land and when the said averment is not denied by way of reply, that averment goes un rebutted.

Therefore, in these circumstances, this Court is of the opinion that no further cause would survive in the Writ Petition.

Recording the above said submissions made by the respondents in the counter affidavit, the Writ Petition is disposed of.

There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand closed.

(P.KESHAVA RAO, J)

13th November 2019
RRB

