

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.8438 OF 2019

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of respondent Nos.2 and 3 in not taking any action against respondent Nos.4 to 14, basing on the complaints, dated 15.02.2019 and 18.02.2019, of the petitioner, as illegal and arbitrary and consequently, to direct respondent Nos.2 and 3 to take necessary action against respondent Nos.4 to 14 basing on the complaints, dated 15.02.2019 and 18.02.2019, of the petitioner.

2. Heard learned counsel for the petitioner, the learned Government Pleader for Home, appearing for respondent Nos.1 to 3, and the learned counsel for respondent No.11 and perused the record.

3. Learned counsel for the petitioner would contend that though a report, dated 15.02.2019, was lodged by the petitioner with the Station House Officer, Dharmapuri Police Station, the said Station House Officer has not taken any action so far on the said report. He would also contend that respondent Nos.4 to 14 have committed cognizable offence and ultimately, prayed to allow the Writ Petition, as prayed for.

4. Learned Government Pleader for Home and the learned counsel for respondent No.11 would contend that the dispute between the petitioner and respondent Nos.4 to 14 is civil in nature and there are efficacious remedies available to the

petitioner under the Code of Criminal Procedure, 1973 and the Code of Civil Procedure, 1908 and ultimately, prayed to dismiss the Writ Petition.

5. In the report, dated 15.02.2019, there is specific mention that the petitioner owns Ac.0-40 guntas of land in Survey No.1130/2, situated at Dharmapuri Shivar. It is also mentioned that there is an injunction order in favour of the petitioner herein in respect of the subject land in O.S.No.126 of 2016 on the file of Junior Civil Judge, Jagtial, and the said order is in subsistence. It is apparent from the record that there is a land dispute in between the petitioner and respondent Nos.4 to 14. In case, there is violation of the injunction order, the petitioner has an efficacious remedy under Order XXXIX Rule 2A C.P.C. Further, if no action is taken on the report, dated 15.02.2019, of the petitioner, he has an efficacious remedy to file a private complaint under Section 200 Cr.P.C. Under these circumstances, it is not appropriate to direct the police concerned to register F.I.R. on the reports of the petitioner and investigate the case.

6. With the above observations, the Writ Petition is disposed of at the stage of admission.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

April 23, 2019.
MD