

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.8473 OF 2019

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of respondent authorities, more particularly respondent Nos.2 and 3, in not registering a case against respondent Nos.4 to 7 and others, in spite of lodging complaints, dated 18.03.2019 and 04.04.2019, by the petitioner, as illegal and arbitrary and consequently, to direct the respondent authorities, more particularly respondent Nos.2 and 3, to take stringent action against respondent Nos.4 to 7 and others by registering a case, basing on the complaints, dated 18.03.2019 and 04.04.2019, 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.4 and perused the record.

3. Learned counsel for the petitioner would contend that the petitioner lodged reports, dated 18.03.2019 and 04.04.2019, with the police concerned, wherein there is specific mention of commission of cognizable offence by respondent Nos.4 to 7. The Station House Officer concerned has not registered any F.I.R. basing on the said reports and has not started investigation. Hence, the present Writ Petition is filed.

4. As per the material placed on record, the petitioner is said to be the owner and possessor of land admeasuring Ac.3-17

guntas in Survey Nos.676 and 677, situated at Kapra Village and Mandal, Medchal, Malkajgiri District. When respondent Nos.4 to 7 and others interfered with the possession of the petitioner over the subject property, he filed a Suit and obtained interim injunction order. In spite of that, there is continuous interference by respondent Nos.4 to 7. Further, in the reports, dated 18.03.2019 and 04.04.2019, it is alleged that respondent Nos.4 to 7 have committed cognizable offence. Admittedly, the material placed on record also discloses that there is a land dispute between the petitioner and respondent Nos.4 to 7. Each party is claiming title and possession over the subject property. When no action is taken in terms of Section 154 Cr.P.C., the petitioner has an efficacious remedy available under Section 200 Cr.P.C. Further, in spite of the injunction order, if there is continuous interference by respondent Nos.4 to 7, the petitioner has an efficacious remedy available under Order XXXIX Rule 2A C.P.C. Under these circumstances, it is not appropriate to concede to the request made on behalf of the petitioner.

5. 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.

Note: Issue C.C. in three (3) days.
B/O.MD