

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.9804 of 2013

ORDER:

There is no representation on behalf of the petitioners.

2. The prayer sought in the writ petition is as under:-

“...to issue a writ of mandamus or any other appropriate writ or direction declaring the action of the 2nd and 3rd respondents in interfering with the petitioners possession in respect of Plot Nos.213 to 217 and 228 to 232 (Type C) in Sy.No.200 admeasuring 2000 sq. yards situated at Kondapur Village, Serilingampally Mandal, Ranga Reddy District as illegal, arbitrary, and one without jurisdiction and consequently direct the respondents 1 and 2 and pass such other and further orders as this Hon’ble Court deems fit and proper in the interest of justice.”

3. Respondent No.3 filed a counter-affidavit denying the allegations made in the affidavit filed in support of the writ petition and contended *inter alia* that on the complaint of one Mir Ali Hassan, on 04.04.2013 a case in Crime No.195 of 2003 was registered. The said Mir Ali Hassan after lodging the complaint went to USA and returned to India in 2013. After coming to India, he came to know that the petitioners herein and others criminally conspired together by forging the title deeds and impersonating the original title and requested to take necessary action as per law. Basing on the contents of the above complaint, a case in Crime No.309 of 2013 for the offences under Sections 420, 468 and 471 IPC was registered on the file of the Madhapur Police Station, Cyberabad Commissionerate, on

04.04.2013 and investigation was taken up. During the course of investigation, respondent No.3, being Investigating Officer, examined the complainant and other witnesses and recorded their detailed statements. Investigation was going on in all angles to find out the guilt of the accused. It is also stated in the counter-affidavit that basing on the outcome of investigation, necessary steps will be taken against the concerned accused in the F.I.R. and a final report under Section 173 Cr.P.C. will be filed before the concerned Court by following due process. In fact, the petitioner lodged a complaint on 16.03.2013 with the 3rd respondent stating that a group of persons came to his residence in a car and threatened the tenants to vacate the premises and face grave consequences and hence requested the police to take necessary action as per law. Since the contents of the complaint are non-cognizable in nature, the 3rd respondent entered the same in General Diary of the Station on the same day itself i.e., 16.03.2013, and a requisition was filed before the learned IX Metropolitan Magistrate, Kukatpally at Miyapur, to accord permission to register the case on the non-cognizable complaint filed by the petitioner. The same is pending for consideration before the concerned Court. A copy of the same has been enclosed to the counter-affidavit. Based on the complaint lodged by the petitioner with the respondent, the respondent police asked to the petitioner to come with documentary evidence. But, he did not turn up to the police station and made baseless allegations. It is also further stated in the counter-affidavit that the police called the petitioner and asked

him to vacate the said premises in question is absolutely false and denied. The fact that the Circle Inspector of Police called the petitioner and his wife to the police station on 27.03.2013 and 28.03.2013 and made them to sit in the police station till afternoon is also denied. To know the veracity of the contents of the complaint, the 3rd respondent summoned the petitioner to come up with the relevant documents for taking necessary action. The petitioner did not turn up, but filed the present writ petition. It is specifically stated that the 3rd respondent never summoned the petitioners till the date of filing of the counter-affidavit and asked them to vacate the premises in question.

4. Though the counter-affidavit is filed with specific averments on oath, the same are not rebutted by way of any reply affidavit. In these circumstances, this Court is of the opinion that there are no merits in the writ petition and the same is liable to be dismissed.

5. Accordingly, the writ petition is dismissed.

Miscellaneous petitions pending, if any, shall stand dismissed.

No costs.

5th October 2019

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P. KESHAVA RAO, J