

HON'BLE SRI JUSTICE P.KESHA VA RAO

W.P.No.31034 of 2014

ORDER:

Heard the learned counsel for the petitioner as well as learned Government Pleader for respondent Nos.1 to 3.

2. The prayer sought in this Writ Petition is as under:

“.....to issue Writ of Mandamus declaring the inaction of the respondents in registering FIR on the basis of complaint filed by the petitioner on 11-11-2013 for enquiring into that matter and for taking further course of action as illegal, arbitrary and consequently direct the 3rd respondent to register FIR..”

3. Learned Government Pleader appearing for the respondents placed on record Written Instructions issued by the Inspector of Police, Keesara police station, Cyberabad Commissionerate.

4. From the perusal of the said written instructions, it is revealed that the petitioner herein lodged a complaint on 11-11-2013 through court, which was received on 20-11-2013 by the S.H.O., Keesara police station, stating that her mother late Smt. Ch.Samudradevi, W/o.late Ch. Dharma Raju, was one of the members of M/s.Ananda Nagar Colony Society, Kukatpally, Hyderabad. The said members have purchased different house plots and after making the said land into small extent of house plots, out of the lay out plan, prepared by land owners over an extent of Ac.243.00 gts in Sy.

No.368 to 395 of Keesara village and got sanctioned by the Keesara Gram panchayat in the year 1982 itself, they got their sale deeds registered at the office of the Sub Registrar, Medchal, R.R.District and since then they have been put in peaceful possession of the said house plots.

5. In fact, all the members formed into an association and got the society registered under the provisions of the Societies Registration Act at the office of the Registrar of Societies, Hyderabad. It is further revealed that petitioner came to know that when their vendors have tried to interfere with their peaceful possession and enjoyment of their house plots, a suit was filed on behalf of their society vide O.S.No.932 of 2001 for injunction simplicitor against their vendors on the file of II Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar. Initially temporary injunction orders were passed in I.A.No.1668 of 2001 in O.S.No.932 of 2001, and thereafter, final decree was passed on 21-09-2007 and the same has become final since no appeal was filed till the date of issuance of the written instructions.

6. It is also further revealed that the petitioner came to know that somebody are trying to occupy their land and for which, they were trying to level land, therefore, they got issued news paper publication in Eenadu Telugu Newspaper dt.18-06-2013. However, on 10-11-2013, the accused therein have been trying to lay the roads etc. on his house plot and hence, requested the police to take

necessary action against one Pochampally Kondal Reddy, Proprietor of VBRSNR Infra & Constructions, AS Rao Nagar, ECIL, Hyderabad. Upon receipt of said complaint, an entry was made in the General Diary of the Station stating that after conducting preliminary enquiry into the matter, necessary action will be taken.

7. Pursuant to the said complaint, the SHO, Keesara police station, visited the subject land in question and found there are boundary disputes with regard to the claim of rights over the subject property in question by the petitioner herein as well as the alleged accused in the complaint.

8. In those circumstances, the S.H.O., Keesara police station, orally advised the complainant to approach competent Civil Court since the dispute is purely civil in nature. In fact, the petitioner himself has not mentioned his plot number and during the course of visit of the then S.H.O., Keesara police station, he is unable to identify the plots as there are no boundary marks with plot numbers of the land and the land is vast extent of Ac.243.00 gts, out of which, 3000 plots were stated to have been made. Except advising the petitioner to seek redressal in a competent Civil Court, no action was taken on the complaint dt.11-11-2013.

9. In that view of the mater, this Court is of the opinion that no further cause would survive in the Writ Petition and the Writ Petition is liable to be closed.

10. Accordingly, the Writ Petition is closed. However, liberty is given to the petitioner to approach the competent Civil Court for redressal of his grievance. No costs.

11. As a sequel, the miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE P.KESHA VA RAO

Date: 23-12-2019
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