

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.16323 of 2014

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader appearing for respondents 1 to 6.

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

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the inaction of the respondents in registering a crime against the 7th respondent and his henchmen as per the report submitted by the petitioner dt 22-02-2014 under the provisions of Indian Penal Code and SC and ST (POA) Act, 1989 as arbitrary, illegal, unwarranted and unconstitutional apart from being violative of Articles 14 to 21 of the Constitution of India and consequently direct the respondents to recover the petitioner's tractor bearing No.AP-36-TA-0029 from the custody of the 7th respondent and his henchmen and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

3. Learned Government Pleader placed on record the written instructions dated 09.12.2019 issued by the Assistant Sub-Inspector of Police, Narsimhulapet Police Station, Mahabubabad District.

4. From the perusal of the said written instructions, it is revealed that the petitioner sent a petition on 22.02.2014 through registered post to Superintendent of Police, Warangal, stating that on 08.02.2013 at about 10.00 hours five unknown persons in a numberless car came to Ramavaram Village of Narasimhulapet Mandal, without any information and without asking keys, tried to take away his tractor bearing registration No.AP 36 TA 0029. Smt.Sujatha, who is looking after the tractor, along with some other villagers, stopped them. She informed over phone about the taking of the tractor, then he on the same cell phone talked to one of them and informed that he is the owner of the Tractor and that he also

abused him by touching with caste. Hence, requested to take necessary action.

5. On the said petition, the Superintendent of Police endorsed and circulated to the Inspector of Police, Thorrur, for an enquiry and necessary action. Pursuant thereto, a detailed enquiry was conducted and during the course of enquiry, it was revealed that the petitioner herein had taken the Tractor from Mahindra and Mahindra Finance. He paid some instalments for some months and stopped the payments to the said finance company. The petitioner had voluntarily given the said Tractor to Smt.Sujatha, resident of Ramavaram Village, for lease purpose. On coming to know about the same, the Mahindra and Mahindra Finance approached Smt.Sujatha and taken away the subject Tractor of the petitioner. It is also specifically mentioned that the Mahindra and Mahindra Finance people never abused the petitioner in touching his caste name and as such a report was submitted in this regard to the Superintendent of Police, Warangal, by the Inspector of Police, Thorrur. The dispute between the petitioner as well as the seventh respondent is purely a money transaction and the petitioner is trying to evade the due amounts to the seventh respondent from whom he obtained the Tractor on finance filed a false complaint.

6. From the above, it appears that when the petitioner taken the Tractor on finance from the seventh respondent, the said transaction is subjected to certain terms and conditions in which the respondent police authorities have no role.

7. In that view of the matter, this Court is of the opinion that there are no merits in the writ petition and the same is liable to be closed.

8. Accordingly, the writ petition is closed. However, liberty is given to the petitioner to take appropriate steps as per the terms of the contract against the seizure of the Tractor in a competent Court as per law. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

JUSTICE P.KESHAVA RAO

Date:17.12.2019

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