

THE HONOURABLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO.17799 OF 2019

ORDER:

This Writ Petition is filed by the petitioner to declare the inaction of the 3rd respondent in enquiring into the petitioner's complaint dated 31.05.2019, 01.06.2019, 03.08.2019 and 10.08.2019 relating to the interference of the 4th respondent with peaceful possession of the petitioner's property bearing Plot Nos.5 and 10 in Sy. Nos.180, 181 and 185, admeasuring 885 square yards in Milan Colony, Bandlaguda village and Mandal, Hyderabad District, as being illegal, arbitrary, unconstitutional and consequently direct the respondents 3 and 4 herein not to interfere with the petitioners peaceful possession.

Heard the learned Counsel for the petitioners and Learned Assistant Government Pleader for Home and the Learned Government Pleader for Revenue.

The case of the petitioner is that on account of the unauthorised constructions made by the 4th respondent, the access to the main road from southern side of the petitioner's property is effected and has thus filed complaint with the 3rd respondent to enquire and take appropriate action. It is not the case of the petitioner that the unauthorised constructions have been made by the 4th respondent by trespassing into his land.

Admittedly, the constructions which are said to have been made by the 4th respondent have come up in the Government land for which the Tahsildar has addressed a letter to the 3rd respondent on 12.07.2019 stating that the said land is a Government land vested with the State.

Further, as seen from the documents placed on record, particularly the lay out plan and Milan colony, which has been enclosed in the material paper, the petitioners are unable to point out as to where the 4th respondent has made construction on the southern side affecting the access to the main gate. As can be seen from the lay out plan annexed in the material paper, the south side of the petitioner's plot (where such unauthorised construction is stated to have been made and affecting petitioner's access to the main road), is shown as 150 feet road. If any such unauthorised construction has come up as claimed, it can come up only on the said road, and it is for the concerned authorities to take appropriate action. It is also not the case of the petitioner that any part of such unauthorised construction is made in his land by trespassing. In such circumstances, if the petitioner has any grievance, the appropriate authority to approach is municipal authority and not the police.

In so far as the action taken on the complaints made by the petitioners are concerned, the learned Assistant Government Pleader for Home, on written instructions dated

23.08.2019, submits that the complaints dated 31.05.2019 and 03.08.2019 stated to have been made by the petitioners are not received by the 3rd respondent. With regard to the complaint made by the petitioners on 01.06.2019, a case was registered regarding the above said issue and complaint given by the petitioners was entered in the G.D. Entry Register and it was informed to the petitioners that already a case was registered on the above issue in Crime No.380 of 2019 under Sections 448, 417 IPC of the 3rd respondent police station. As the petitioners once again made a complaint on 10.08.2019, the contents which are similar to the complaint made on 01.06.2019, a petty case was registered vide Petty Case No.CYB2022052PC19101169 on 19.08.2019. The complaint relating to the 5th respondent occupying the Government land and making unauthorised structure, the 3rd respondent did not take further action as the same is civil in nature and more particularly the land in which such structures have come up is a Government land and it is for the revenue authorities to take appropriate action.

Having regard to the above submissions, the petition does not merit any further consideration.

With the above observation, the Writ Petition is disposed of. No order as to costs.

The miscellaneous petitions pending, if any, shall stand closed.

T. VINOD KUMAR, J

Date: 06.11.2019

MRKR

