

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.19006 of 2013

ORDER:

Heard learned counsel for the petitioner as well as learned Government Pleader appearing for the respondents 1 to 3.

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

“... to issue an appropriate Writ, order or direction, more particularly, one in the nature of Writ of Mandamus declaring the action of respondents 4 and 5 in acting in accordance with the wishes of their political bosses and interfering with the petitioner’s possession and enjoyment of various plots in Survey No.117 and 120 of Yamanampet Village, Srinivasanagar Colony, Ghatkesar Mandal, Ranga Reddy District, more particularly when they are aware about the pendency of various civil suits between petitioner on one hand and land owners/plot owners on the other, even after registering F.I.R. in Crime No.252/2013 in Ghatkesar Police Station on 18.06.2013, and encouraging violence with rowdy elements and cooperating them in demolishing the petitioner’s property, as null and void and direct the respondents not to interfere in petitioner’s civil rights, as well as, the property of lands 19 + 31 plots in Survey No.117 and 120 of Srinivasa Nagar Colony, Yamanampeta Village, Ghatkesar Mandal, R.R.District, and also interfere with personal life and liberties of the petitioner, so that, the petitioner and other parties will work out their remedies in civil suits, and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

3. The 4th respondent filed a counter-affidavit stating that one Sri V.V.Leeladhar and eight others approached the 4th respondent-

Ghatkesar Police Station and lodged a common complaint stating that they have purchased various plots in Survey Nos.117 and 120 of varying dimensions situated at Yamnampet village from its original owners Sri D.Yadaiah and Sri D.Laxminarasimha in the year 1990, vide document No.231 of 1990. Since then, they have been in peaceful possession and enjoyment of their plots and they have erected poles along with plot numbers. At this stage, some persons, who are claiming to be the owners, trespassed into their plots and broken the poles and went away threatening to return with unsocial elements. Basing on the contents of the said complaint, a case in Crime No.252 of 2013 for the offences under Sections 447, 427 and 506(ii) IPC was registered on 18.06.2013 and investigation was taken up. During the course of investigation, the Investigating Officer examined as many as six witnesses including the complainant and recorded their detailed statements. In the investigation, it came to light that there is involvement of the petitioner in the commission of offence. To know the veracity of the same, the Investigating Officer informed the particulars of registration of the case over phone and asked the petitioner to submit documents. Accordingly, the petitioner approached the respondent police and as per the request, he sent documents through post. From a perusal of the said documents, it is evident that the petitioner has no right to take possession of the lands of the complainant and others in Survey Nos.117 and 120 except plot Nos.97 and 98. Therefore, the petitioner criminally trespassed into

the lands of the complainant along with others and threatened them with dire consequences. While investigation was under progress, to escape from the criminal liability, the petitioner filed the present writ petition with baseless allegations. It is also further stated in the counter-affidavit that the respondent police shall abide by the interim directions passed by this Court and basing on the final out come of the investigation, action will be taken by duly following the procedure.

4. Learned Government Pleader also placed on record the written instructions, dated 12.11.2019, issued by the Assistant Sub-Inspector of Police, Ghatkesar Police Station, Rachakonda Commissionerate. From a perusal of the said instructions, it is revealed that after completion of investigation, charge sheet was filed and the same was taken on file vide C.C.No.158 of 2014 on the file of the XIII Metropolitan Magistrate, L.B.Nagar. The said C.C. ended in acquittal on 30.05.2015.

5. 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.

6. Accordingly, the writ petition is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

P. KESHA VA RAO, J

4th December 2019

mar