

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.19724 of 2019

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the inaction of the 3rd respondent in taking action against the 4th respondent and associates pursuant to the complaint, dated 26.06.2019, in spite of personal visits made by the petitioner, as arbitrary and illegal.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Home appearing for respondents 1 to 3.

3. On instruction, learned Assistant Government Pleader for Home produced written instructions, wherein it is stated as follows:

“The facts of the case are that the respondent No.4 had lodged a complaint on 22.05.2019 with respondent No.3 stating that the petitioner trespassed and damaged the wall of building bearing No.8-1-249 and 250 at Gattaihgudem Paloncha Town and the same was registered as Crime No.222 of 2019 for the offences U/s. 447, 427 IPC. After completion of investigation, charge sheet was filed on 31.05.2019 and the Hon'ble II Additional Judicial Magistrate of First Class Court, Kothagudem allotted C.C.No.1177 of 2019.

It is submitted that when the investigation was under progress the petitioner lodged a complaint on 26.06.2019 with the 3rd respondent stating that the 4th respondent demolished the said wall. It is submitted that whenever, the petitioner approaches the 3rd respondent along with relevant documents, after enquiry, FIR will be registered.

It is submitted that the allegation of the petitioner that the 3rd respondent not taken action on her complaint is

incorrect, baseless, far from truth and has been created for the purpose of filing of the present writ petition.”

4. At this stage, learned counsel for the petitioner would submit that the petitioner will produce the necessary documents before the 3rd respondent for registration of the crime.

5. Accordingly, the Writ Petition is disposed of granting liberty to the petitioner to file necessary documents before the 3rd respondent for registration of crime. On filing of the same, the 3rd respondent shall take appropriate action on the complaint of the petitioner, dated 26.06.2019, in accordance with law.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAJASHEKER REDDY, J

18th SEPTEMBER, 2019

YVL

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Date:18.09.2019

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