

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.21926 of 2019

ORDER:

The present writ petition is filed to declare the action of the second in not taking cognizance of the complaint, dated 25.09.2019, lodged by the petitioner against the illegal trespass into the land of the petitioners in Survey No.113 admeasuring Acs.9.22 guntas situated at Chennavelli Village, Rajapur Mandal, Mahabubnagar District, by the third respondent, as illegal and arbitrary.

2. Heard learned counsel for the petitioners and learned Assistant Government Pleader for Home.

3. Learned counsel for the petitioners, while reiterating the averments made in the writ petition, would submit that by virtue of the pattadar pass books issued to the petitioners, they are entitled to possess the land, which is being interfered with by the third respondent, for which, though the petitioners have made a complaint to the second respondent, the second respondent failed to act upon the same.

4. On the other hand, learned Assistant Government Pleader for Home, on written instructions, dated 10.10.2019, a copy of which is placed on record of this Court, would submit that based on the complaint of the petitioners, dated 25.09.2019, the second respondent made a General Diary entry and undertaken enquiry. During the course of enquiry, it disclosed that the matter is pertaining to civil issue, as it relates to construction of a wall by the third respondent by encroaching into the land of the petitioner, which is sought to be objected by the petitioner and was not heeded to by the third respondent. Learned AGP would further

submit that the second respondent issued a notice to the petitioners by registered post on 03.10.2019 informing the petitioners that the complaint lodged by them is closed as the same is 'civil in nature'.

5. Having regard to the said submission, since a notice has been issued to the petitioners by the second respondent informing of the action taken on the complaint, this Court is of the view that no further orders need be passed in this writ petition and it is open for the petitioners to avail appropriate remedies before the proper forum in accordance with law.

6. With the above observation, the writ petition is closed. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

JUSTICE T.VINOD KUMAR

Date:06.12.2019

GJ

