

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.32631 of 2014

ORDER:

Heard learned counsel for the petitioners as well as learned Government Pleader appearing for the respondents 1 to 5.

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

“...to issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of the respondents no.4 and 5 and their subordinates constables in highhandedly and illegally trespassing into the agricultural land of the petitioners an extent of land 11 acres 33 guntas in Sy.No.199 and 2 acres 15 guntas in Sy.No.200 situated in Gullakota village of Luxettipet Mandal of Adilabad District, and dismantling the but houses and taking away the wooden logs and cement bricks along with them and threatening that the petitioners shall not take the harvest of Red Gram and Kenaf crop grown up in an extent of 11 acres and also threatening that, if the petitioners do not follow the dictates of them, they have to face dire consequences and also to declare the action of the respondents no.2 and 3 in keeping mum, even though such illegal acts are being done by the respondents no.4 and 5 and not taking any action against them is nothing but arbitrary, illegal, null and void and also violative of Articles 14, 19, 21 and 300-A of the Constitution of India. Consequently, direct the respondents no.1 to 3 to take necessary action against the respondents no.4 and 5 and their subordinates constables for their illegal acts i.e. in illegally trespassing and causing damage and dispossessing to the persons belong to Schedule Caste and also direct the respondents no.4 and 5 and their subordinate constables not to harass and not to interfere in peaceful possession and enjoyment of the land admeasuring 11 acres 33 guntas in Sy.No.199 and 2 acres 15 guntas in Sy.No.200 situated in Gullakota village of Luxettipet Mandal of Adilabad District, of the petitioners and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the interest of justice.”

3. Learned Government Pleader placed on record the written instructions, dated 30.12.2019, issued by the Assistant Sub-Inspector of Police, Luxettipet Police Station, Mancherial District.

4. From a perusal of the said written instructions, it is revealed that basing on the complaint lodged by one Damodarlal Bang, a case in Crime No.107 of 2014 was registered against the petitioners for the

offences under Sections 447 and 506 read with 34 IPC of Luxettipet Police Station on 30.07.2014. In the said complaint, it was stated that on 30.07.2014 at about 9.00 a.m. when the petitioner along with one K.Mallaiah and K.Ramakrishna, were leveling his land, the petitioners, claiming to be the members of the CPI (ML), IRPU, AIKMS, PDSU, under the leadership of N.Venkateswarlu and others, criminally trespassed into the land and threatened to kill him. During the course of investigation, the Investigating Officer examined witnesses and recorded their statements. After completion of investigation, a charge sheet was filed before the Judicial First Class Magistrate, Luxettipet, on 12.01.2015. The same was taken on file as STC.No.4 of 2015 and the said case was ended in acquittal on 12.07.2018. It is also mentioned that the respondents 4 and 5 and their subordinate constables never harassed the petitioners nor interfered with the peaceful possession and enjoyment of their lands. It is further mentioned that the respondent police went to the site only for the purpose of investigation in Crime No.107 of 2014.

5. 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 dismissed.

6. Accordingly, the writ petition is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

P. KESHAVA RAO, J