

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.28592 of 2013

ORDER:

There is no representation on behalf of the petitioners.

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

“... to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the 4th respondent in interfering into the peaceful possession and enjoyment of the land admeasuring 500 Sq.Yds each bearing Plot Nos.264-A, B & C in Survey No.66/2, situated in Rayadurg Navkhalsa (V) Sherlingampally Mandal, Ranga Reddy District as illegal, arbitrary, without jurisdiction, violative of principles of natural justice and contrary to the settled principles of law and consequently direct the respondents not to obstruct the development works undertaken by the petitioners on the said plots and pass such other order or orders as may deem fit and proper in the circumstances of the case.”

3. Learned Government Pleader appearing for respondent Nos.1 to 4 placed on record the written instructions, dated 07.10.2013, issued by the Sub Inspector of Police, Raidurgam Police Station, Cyberabad Commissionerate.

4. From the perusal of the said written instructions, it is revealed that one Sri M.Ganga Raju, S/o.Suraiah, approached the Raidurgam Police Station and lodged a complaint stating that he is the absolute owner and peaceful possessor of the land admeasuring Ac.4.00 gts. of land in survey No.66/2 of Raidurgam Nav Khasla. His site was

bounded by barricading with blue metal sheets. One Mr.Samuel Prasad, i.e., the 1st petitioner herein, and his accomplices have entered into the site at 1.30 p.m. and started demolishing the barricades with the help of JCB bearing No.AP 28 AW 1305 and Hitachi. They threatened to kill his watchman and security guard deployed him if they obstructed their activity. In spite of showing the injunction orders and all the relevant papers, they forcibly entered into the site. In that connection, a case in Crime No.551 of 2013 for the offences under Sections 447, 427 and 506 IPC was registered on the file of the Raidurgam Police Station on 27.09.2013 and investigation was taken up. The 1st petitioner herein was shown as the sole accused in the said crime. During the course of investigation, the 4th respondent examined the complainant and other witnesses and recorded their detailed statements and also visited the scene of offence. As per the records, the investigation clearly discloses that the complainant M.Ganga Raju is the original owner and he is in possession of Ac.4.00 of land in survey No.66/2 of Raidurgam Kalsa. While the matter stood thus, on 27.09.2013 at about 1330 hours, the 1st petitioner criminally trespassed into the land in Survey No.66/2 removed the barricades and started levelling the land with JCB and also threatened watchman of the complainant. The petitioner to divert the attention of the Investigating Agency in conducting a fair and proper investigation approached this Court and filed the present writ petition with baseless allegations. It is also stated that the petitioners are not impleaded the said Ganga Raju as party respondent in this writ

petition, for the reason that if he is implicated as a party respondent the real facts would come to light.

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.

Miscellaneous petitions pending, if any, shall stand dismissed.

No costs.

12th November 2019

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P. KESHA VA RAO, J

