

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.5086 of 2014

ORDER:

Heard learned counsel for the petitioner as well as learned Government Pleader appearing for the respondents 1 to 4.

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, to declare the action of the respondent No.3 herein in not taking any action on petitioners complaint dt.28.8.2013 inspite of his repeated visits, as being illegal, arbitrary, unjust, and consequently direct the Respondent No.3 herein to forthwith act upon the complaint dt.28.8.2013 and take action in accordance with Law, and to grant such other relief or reliefs as this Hon’ble Court deems fit and proper in the circumstances of the case.”

3. The 3rd respondent filed a counter-affidavit denying the allegations made in the affidavit filed in support of the writ petition and contended *inter alia* that the petitioner submitted a petition, dated 28.08.2013, before the 3rd respondent stating that on 28.08.2013 he went to the office of the Tahasildar, Nalgonda-the 5th respondent herein, and requested him to provide a house site, as per the submission made by the Assistant Government Pleader during the course of hearing in W.P.No.17762 of 2013. On that, Sri Krishna Reddy, Tahasildar, Nalgonda, and Sri Kumar Reddy, Village Revenue Officer of Gollaguda, Nalgonda town, abused him in filthy language

and threw him out of the office with the help of staff and requested to take necessary action in the matter. After receipt of the said complaint, the same was endorsed, vide C.No.3853/G2-P/2013, dated 20.09.2013, and forwarded the same to Sub-Divisional Police Officer (SDPO), Nalgonda, for enquiry and report. On instructions of the 3rd respondent, the SDPO, Nalgonda, conducted a detailed enquiry into the matter and submitted a detailed enquiry report, vide C.No.90/G2-P/SDPO-N/2013, dated 21.12.2013, to the 3rd respondent. During the enquiry of the SDPO, Nalgonda, it was revealed that the petitioner herein is a physically challenged person (blind person). He filed W.P.No.17762 of 2013 before the High Court of Andhra Pradesh, with a prayer to sanction a house site to him. The Tahasildar, Nalgonda Mandal filed a counter-affidavit. On 28.08.2013, the petitioner had visited the office of the Tahasildar, Nalgonda, and requested him to provide house site. Since several petitions pending with the Tahasildar, Nalgonda Mandal, requesting allotment of house sites and while available land is less, the Tahasildar, Nalgonda Mandal, informed the said fact to the petitioner that several petitions are pending with him, prior to filing of the petition of the petitioner and the house site will be allotted according to seniority of applications. Thereafter, he submitted a petition to the 3rd respondent alleging that the Tahasildar, Nalgonda Mandal, abused him in filthy language and his staff threw him out of the office. The SDPO, Nalgonda, caused enquiries with the staff of the Tahasildar Office,

Nalgonda, and no one supported the allegations of the petitioner. The SDPO, Nalgonda, also examined one Y.Kondal Reddy, Village Revenue Officer, Panagal, Sri P.Arjun Rao, Village Revenue Officer of Gandamvarigudem (revenue personnel) and farmers, viz., Bolla Venkateswarlu and Marne Shankar, both resident of Gollagudem, who are all present on the day of alleged incident and recorded their statement. They clearly stated that neither the Tahasildar, Nalgonda Mandal, nor the Village Revenue Officer, Gollagudem, abused the petitioner in filthy language and no person necked out him from the Tahasildar Office. In fact, no person supported the allegations made by the petitioner. Therefore, the allegations made by the petitioner in this regard are baseless and proved to be false. The SDPO, Nalgonda, deputed the police personnel of Nalgonda I-Town Police Station, to secure the presence of the petitioner, but they could not trace him, as he was not available at the address mentioned in the petition. Due to non-availability of the petitioner in his mentioned address, the SDPO, Nalgonda, could not examine him. It is also further mentioned in the counter-affidavit that the action was taken on the petition, dated 28.08.2013, of the petitioner by conducting a detailed enquiry into the matter and the allegations made against the Tahasildar, Nalgonda Mandal, proved to be false. With an intention to harass the Tahasildar, Nalgonda Mandal, the petitioner had submitted a petition, dated 28.08.2013, before the 3rd respondent.

4. Learned counsel for the petitioner filed reply affidavit, rebutting the contentions raised in the counter-affidavit filed by the 3rd respondent and stated that he is not aware of the matter entrusted to the SDPO, Nalgonda, for enquiry and submission of report. It is stated in the reply affidavit that on the petition/complaint lodged by the petitioner, instead of registering the crime, an enquiry was conducted only to cover up latches. If really an enquiry is conducted, they would have recorded his statement and no police personnel, much less SDPO came to him for enquiry and simply stated that I am not available at the mentioned address is yet another falsehood. However, the statements of the persons recorded during the course of enquiry and the enquiry report submitted by the SDPO, Nalgonda, belied the allegations made by the petitioner.

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

3rd December 2019

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