

HON'BLE SRI JUSTICE P. KESHAVA RAO

WRIT PETITION No.28645 of 2013

ORDER:

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

The prayer sought in the writ petition is as under:

“... to issue order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents 3 and 4 in interfering with the life and liberty and property of the petitioner as illegal, arbitrary, violation of principle of natural justice and violation of Articles 14 and 21 of the Constitution of India and consequently direct the respondents 3 and 4 not to harass the petitioner in any way.”

Respondent No.4 filed a counter affidavit denying the averments made in the affidavit filed in support of the writ petition and contended *inter alia* that the 5th respondent herein has lodged a complaint on 03.07.2013 with the respondent police stating that the petitioner and others have damaged her cotton field in Sy.Nos.462/AA and 476/U situated at Salkunoor Village, Vemulapalli Mandal, Nalgonda District. Pursuant to the said complaint, a case in Crime No.105 of 2013 for the offence under Sections 447 and 427 IPC was registered on 03.07.2013 against one G. Venkanna and the petitioner herein as A1 and A2 respectively on the file of Vemulapalli Police Station, Nalgonda District and took up investigation by visiting the scene of offence. During the course of investigation, as many as four witnesses were examined and their detailed statements have been recorded.

It is further mentioned in the counter affidavit that the investigation revealed that the accused persons have committed the above said offence. On 12.07.2013, A1 and A2 i.e., the petitioner herein were arrested and they have been confessed commission of offence and were sent to judicial custody. After completion of investigation, a charge sheet was filed on 15.07.2013 before the learned Judicial First Class Magistrate, Miryalguda, Nalgonda District and the calendar case number is awaited. Except registering the above said crime against the petitioner and another, the respondent police never interfered with the life, liberty and possession of the petitioner's land at any point of time. Mere registration of crime against the petitioner and another with regard to the subject land does not amount to interference of police. It is also specifically stated that the allegation of the petitioner that at the influence of the 5th respondent/complainant, the respondent police have harassed him by detaining him in the police station and threatened him with dire consequences is totally baseless and far from truth. The allegation of the petitioner that the respondent police have sent police constable to his house and made nuisance in the locality is also denied.

Though a counter affidavit is filed with the above specific averments, the petitioner to rebut the same has not filed any reply affidavit. Therefore, the averments made in the counter affidavit go un-rebutted. In the light of the specific

averments made in the counter affidavit, this Court is of the opinion that there are no merits in the writ petition and the same is liable to be dismissed.

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

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHA RAO, J

Date: 02.12.2019.
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