

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.48075 OF 2018

DATED :02.01.2019

Between :

Batula Sommaya S/o.Yellaiah,
Aged 55 yrs, Occu : Business,
R/o.Palem of Mamilagudem Locality,
of Khammam Town and District.

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Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Home Department, Secretariat Buildings,
Saifabad, Hyderabad & others.

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Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner and learned Government Pleader for Home for respondents 1 to 3.

2. Petitioner claims to be the owner of land to an extent of Ac.1.29 guntas in Sy.No.288/1. Petitioner alleges that even though petitioner succeeded before the Revenue authorities and in O.S.No.203 of 2012 in the Court of I-Additional Junior Civil Judge, Miryalaguda, the unofficial respondents-respondents 4 and 5 are harassing and threatening to kill the petitioner. Alleging that respondents 4 and 5 are threatening to kill, a complaint was filed by the petitioner on 28.07.2018. Alleging inaction on the said complaint, this writ petition is filed.

3. In Paragraph No.4 of the complaint, it is stated that inspite of warning given by the Court, Mr.Sidulu, his brothers and their wives are preventing the petitioner from cultivating the land and are threatening to kill him. Therefore, petitioner seeks the relief of protection from the unofficial respondents.

4. In the affidavit filed in support of the writ petition, petitioner now alleges that the 4th respondent cut down the paddy and appropriated the same in November, 2018, causing loss to him to a tune of Rs.50,000/-.

5. In the written instructions, furnished by the Station House Officer, Vemulapally Police Station, Nalgonda District, dated 31.12.2018, it is stated as under :

“It is submitted that, based on the contents of the said report, an entry in the Station Records was made and taken up for enquiry. The enquiry revealed that the subject matter is land dispute and purely civil in nature. Both the petitioner as well as alleged accused filed cases before various authorities and also before the Hon’ble Courts. The enquiry also disproved the allegations of the alleged accused threatening the petitioner of dire consequences. No cognizable offence has taken place as alleged by the petitioner. The said allegation has been made only for the purpose of the report. The petitioner is trying to drag the Police in civil disputes. After enquiry, the petitioner has been informed that the subject matter is purely civil in nature and Police cannot interfere with the same, in spite of the same, the petitioner filed present writ petition making false and baseless allegations, as if the police have not acted upon his report.”

6. A reading of the above extract would show that the police have considered the complaint lodged by the petitioner investigated and informed the petitioner that no cognizable offence is made out by him and it is a civil dispute. If petitioner is not satisfied with the reply furnished by the police, he ought to have taken proper course of action as warranted by law. However, if respondents 4 and 5 are illegally interfering and causing damage to the property, it is always open to the petitioner to work out the remedies as available in law.

7. In the facts of this case, it cannot be said that police were negligent in examining the grievance of petitioner as ventilated in the complaint, warranting interference by this Court.

8. Writ Petition is accordingly dismissed granting liberty as mentioned above. Pending miscellaneous petitions shall stand closed.

P.NAVEEN RAO,J

2nd January, 2019
Rds