

**THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN  
AND  
THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY**

**WRIT APPEAL No. 263 OF 2020**

**JUDGMENT:** (Per the Hon'ble the Chief Justice Raghvendra Singh Chauhan)

The appellant has challenged the legality of order, dated 14.07.2020, passed by a learned Single Judge in Writ Petition No. 10236 of 2020, whereby the learned Single Judge has dismissed the writ petition.

Briefly, the facts of the case are that the appellant, writ petitioner, claims that he is one of the successors of one Mr. Maddela Paul, S/o. Nambaiah, who was the original pattader, owner and possessor of land falling within Sy.No. 140 of Rangampally Village, Peddapally Mandal and District, admeasuring Ac.8.37 guntas. According to the appellant, there was an oral partition amongst the family members. But the actual partition was never effected through court process. Furthermore, according to the appellant, the said land was kept partly vacant, while other parts were being cultivated. Therefore, the land continues to be agricultural land. However, in March/April, 2019, certain anti-social elements started interfering with the peaceful possession of the appellant. These persons appeared to be from Godavarikhani and Karimnagar areas. Therefore, the appellant submitted a complaint before the Commissioner, Peddapally Municipality, and the Secretary of the Rangampally Gram Panchayat for taking action against those anti-social elements, and to stop the construction being raised by them. Moreover, according to the appellant, since neither the Commissioner, nor the Secretary took any action against the anti-social elements, he filed an application

under Right to Information Act in order to find out as to what actions are being taken against the encroachers. However, even the RTI application has never been replied to. Thus, having no other option, the appellant filed the writ petition before the learned Single Judge. However, by the impugned order, dated 14.07.2020, the learned Single Judge has dismissed the writ petition *inter alia* on the ground that the representation submitted by the appellant is rather vague in its content. Hence, this writ appeal before this Court.

A bare perusal of the representation, dated 24.05.2019 clearly shows that an allegation has been made that certain persons have trespassed on the land belonging to the appellant. However, those unknown persons have not been named, nor a specific date for the alleged trespass has been spelt out in the representation. It is rather surprising that the appellant has approached the Commissioner of the Municipality and the Secretary of the Gram Panchayat, instead of approaching the Police immediately after the alleged trespass was committed on his land. Therefore, this Court has asked the learned counsel for the appellant the reason as to why the appellant did not approach the jurisdictional Police for registering an F.I.R. against those unknown persons? To this query, the learned counsel for the appellant submits that it is difficult to register an F.I.R. against unknown persons that too during the Covid-19 pandemic. However, the reason given by the learned counsel for the appellant is clearly untenable. For, an F.I.R. can be registered, under Section 154 of Code of Criminal Procedure, even against unknown persons as long as the allegations made in the F.I.R. clearly reveal

the commission of a cognizable offence. Trespass is, indeed, a cognizable offence, an F.I.R. can be registered against unknown persons. Once this position of law was pointed out to the learned counsel for the appellant, the learned counsel seeks time to take the necessary steps.

Therefore, for the reasons stated above, this writ appeal stands disposed of. No order as to costs.

Pending Miscellaneous Petitions, if any, stand closed.

**(RAGHVENDRA SINGH CHAUHAN, CJ)**

**(B. VIJAYSEN REDDY, J)**

August 19, 2020

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**19.08.2020**

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