

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.34753 of 2014

ORDER:

Heard learned counsel for the petitioners as well as learned Government Pleader appearing for respondent Nos.1 to 5.

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

“...to issue a Writ, Order or Direction particularly a Writ of Mandamus declaring the action of the respondents particularly respondents 3 to 5 herein in threatening the petitioners with implicating them in criminals cases and warning them not to enter in the land of the petitioners to an extent of Ac.11.31 Guntas in Survey Nos.89/A/1, 89/A/2, and 70/A/1 situated in Revenue Village of Garlapadu in Bonakal Mandal, Khammam District and helping the 6th respondent and her personnel to enter and take the cotton raised by petitioners as arbitrary, illegal and unconstitutional and consequently direct the respondents not to interfere in the land dispute of petitioners and 6th respondent in respect of land to an extent of Ac.11.31 Gutnas Survey Nos.89/A/1, 89/A/2 and 70/A/1 situated in Revenue Village of Garlapadu in Bonakal Mandal, Khammam District and pass such other order or orders as are deemed fit and proper in the circumstances of the case.”

3. Learned Government Pleader placed on record the written instructions issued by the Sub-Inspector of Police, Bonakal Police Station, Khammam District.

4. From a perusal of the said written instructions, it is revealed that one Smt.Vattikunta Krishna Veni i.e., the 6th respondent herein, filed W.P.No.33406 of 2014 before this Court declaring the illegal action of the respondents therein in not taking any action on the complaint, dated 20/23.06.2014, and not giving any police protection or assistance in the enjoyment of peaceful possession and harvest of standing crops in Survey Nos.70 and 89 of Garlapadu village of Bonakal Mandal, Khammam District. It is further mentioned in the

written instructions that one Mr.Kethineni Satyanarayana, S/o.Gopaiah, R/o.Garlapadu, who is the kowldar of the 6th respondent herein, approached the respondent police and lodged a complaint on 02.11.2014 stating that he has taken the land on lease from the 6th respondent and doing cultivation in an extent of Ac.11.32 guntas since two years. However, one Mr.Tata Ramachandra Rao and others criminally trespassed into the land and stolen the cotton from their fields and taken away in their bags and requested the police to take necessary action. Pursuant to the said complaint, a case in Crime No.158 of 2014 for the offences under Sections 447 and 379 IPC was registered on the file of the Bonakal Police Station of Khammam District, on 02.11.2014 and investigation was taken up. It is further mentioned in the written instructions that action will be taken against the concerned accused depending on the evidence adduced during the course of investigation. It is also mentioned in the written instructions that the investigation was going on in all angles to find out the real culprits. Except proceeding with the investigation as contemplated under law, the respondent police never interfered with the civil disputes between the petitioner and the 6th respondent. However, the petitioner filed the present writ petition with malafide intention to divert the attention of the Investigating Agency in not conducting the investigation in a fair and proper manner. Pursuant to the orders passed by this Court on 17.11.2014, the 5th respondent conducted investigation and filed the final report. In the written instructions, it is also mentioned that the respondent police shall abide by the directions

passed by this Court. The respondent police never interfered with the subject property of the petitioners nor warned them as alleged in the affidavit filed in support of the writ petition.

5. Learned Government Pleader brought to the notice of this Court that pursuant to registration of Crime No.158 of 2014, after completion of investigation, a final report was filed on 11.04.2015 before the concerned Court referring it as a 'false case'.

6. By recording the statements made by the respondent police, the writ petition is disposed of directing the respondent police not to interfere with the peaceful possession and enjoyment of the petitioners in the land admeasuring Ac.11.31 guntats in Survey Nos.89/A/1, 89/A/2 and 70/A/1 situated at Revenue Village of Garlapadu Village of Bonakal Mandal, Khammam District. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

8th January 2020
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P. KESHAVA RAO, J