

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.26265 of 2019

ORDER:

This writ petition is filed to declare the action of respondents 2 and 3 in not registering FIR against the 4th respondent, pursuant to the complaint, dated 15.11.2019, made by the petitioner, as illegal, arbitrary and unconstitutional.

2. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Home.

3. Admittedly, there are disputes between the petitioner and the 4th respondent, as regards entries in the revenue records. Thus, the petitioner approached this Court earlier by way filing W.P.No.36530 of 2018, assailing the order, dated 27.08.2018, passed by the Joint Collector and Additional District Magistrate, Suryapet District, wherein this Court, *vide* its order, dated 08.10.2018, directed the parties therein to maintain *status quo*, and also restrained the parties not to alienate the subject property until further orders. While the said interim order is in force, it is claimed by the petitioner in the present writ petition that the 4th respondent, in violation of the above *status quo* order, had entered the land of the petitioner and took away the entire crop, worth about Rs.40,000/-. It is further claimed by the petitioner that the said action of the 4th respondent would amount to theft and for the said reason, the petitioner has submitted complaint before the 2nd and 3rd respondents on 15.11.2019. However, the 3rd respondent, instead of taking action on the complaint made by the petitioner, has chosen to refer the matter as 'civil

in nature', on account of the pendency of the writ petition before this Court.

4. Learned Assistant Government Pleader for Home, on written instructions, dated 28.11.2019, submits that, on receipt of the complaint of the petitioner by registered post, on 19.11.2019, the 3rd respondent made a GD entry and took up preliminary enquiry, whereat it was disclosed that the matter is purely civil in nature. That apart, the petitioner filed W.P.No.36530 of 2018 and also C.C.No.405 of 2019 before this Court, and as such, advised him to approach the concerned revenue authorities. It is also stated that a notice was issued to the petitioner, on 20.11.2019, informing the same.

5. Having regard to the said submission made on behalf of the 3rd respondent, this Court is of the view that no further orders need be passed in the present writ petition. However, it is open for the petitioner to approach appropriate forum to avail remedies, in accordance with law, if he is aggrieved by the notice dated 20.11.2019 issued by the 3rd respondent.

6. Subject to the above observation, the writ petition is closed. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

JUSTICE T.VINOD KUMAR

Date:22.01.2020

GJ