

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.3728 of 2018

ORDER:

The relief sought in the writ petition is as under:

“... the Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the officials Respondents No.2 to 13 herein in not taking proper action against the Respondents No.15 to 21 herein against petitioner complaints and order the official respondents to release the total amount of Rs.6,50,000/- which was recovered from the Respondents No.15, 16 and 17 and also take action against the official respondents for their negligence and not take proper against the respondents and subsequently direct the official respondents to recover the compensation amount from the Respondent No.25 an amount of Rs.20,00,000/- and from the respondent No.26 an amount of Rs.5,00,00,000/- and also from the Respondent No.23 an amount of Rs.6,00,000/- for not allotting the shop to the petitioner even after received the deposit amount from the petitioners and pass such other order or further orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

2. The petitioner appeared as party-in-person. The grievance of the petitioner is that she has lodged several complaints before the respondents No.2 to 9 for taking action against the unofficial respondents No.15 to 21. In spite of this Court giving ample opportunity to the petitioner for explaining her grievance, unfortunately, this Court was not able to elicit any information from the petitioner except for pleading that justice be rendered to her.

3. Though the petitioner referred to several complaints, from the material annexed to the writ petition, it appears that initially the petitioner lodged her first complaint on 16.09.2016 addressed to the Hon'ble the Chief Justice, High Court of Telangana; the State of

Telangana represented by its Secretary, Home Department; the Director General of Police; the Commissioner, Ranga Reddy District; the Circle Inspector, Dundigal Police Station; the Sub-Inspector of Police, Dundigal Police Station and the Station House Officer, Dundigal Police Station, *inter alia*, stating that she is residing in her house along with her daughter, Katragadda Lathasree. At that point of time, her brother fell ill and came to her house and resided with them. When she left her house at about 8 AM, one Mohd. Ali alias Feroz (respondent No.16) residing beside her house along with his wife and children and one Venkatesh Goud (respondent No.15) a land grabber, broke open the lock of her house and committed theft of several items and threatened her that they would encroach her plot. The respondents No.15, 16 and 28 and some other persons started harassing her and highhandedly issued threats to her. Due to tension created by them, health of her brother deteriorated and he had to close down his business in the name and style of M/s. Kanakadurga Enterprises and he brought all the items in the shop, worth about Rs.10 lakhs, and kept in her house.

4. Petitioner further stated that the respondent No.16 and his wife (respondent No.21) took away all the articles and sold them at Narsapur. They beat the petitioner on 25.06.2014. The petitioner was admitted in the Osmania General Hospital and she was issued MLC certificates. She lodged a complaint before the police. The brother of the petitioner suffered heart attack and he was admitted in Narayana Hrudayalaya i.e. Narayana Malla Reddy Hospital. The daughter of the petitioner left her certificates in Malla Reddy Engineering College and they are not giving her certificates. The petitioner lodged a complaint with the CI of Police, Sri Venkateswarlu and he took bribe and did not take any action on her complaint.

5. The petitioner went on referring to several incidents making vague allegations against the respondents No.15 and 16 with repeated statements that they are land grabbers, dacoits and that they have made crores of rupees by indulging in acts of land grabbing, that they had been threatening her brother. Thus, she stated that she suffered loss of about Rs.30 lakhs for the past 15 years, which include the value of articles she personally lost and the money spent towards hospital expenditure of her brother and she has to be compensated by paying Rs.1 crore. She stated that when her brother was hospitalized, the respondents No.15 and 16 entered into the hospital, in the absence of the petitioner, they tried to remove the ventilator and her brother died due to negligence of the doctors.

6. In the counter filed by the respondent No.8, it was stated that the petitioner lodged a complaint on 12.03.2017 alleging that the respondents No.15 and 16 have committed theft of household article worth Rs.1500/-. Pursuant to the said complaint, a case in Cr.No.211 of 2017 was registered for the offences under Section 380 IPC. Investigation was taken up. Three witnesses have been examined. It was found that involvement of the accused persons was not established. Finger prints were taken at the scene of offence and sent for analysis and based on the opinion of the Finger Print Expert, it was found that the respondents No.15 and 16 have not committed any offence. While investigation was under progress in Cr.No.211 of 2017, the petitioner lodged another complaint, which was registered as Cr.No.418 of 2018 on 08.08.2018 for the offences under Sections 354, 504, 506, 380 and 290 IPC. Three witnesses were examined and detailed statements were recorded. It was found that the husband and brother of the petitioner demised due to which the petitioner went into depression and stated behaving in an abnormal way and was making

false allegations against the accused persons and several others. Cr.No.211 of 2017 and Cr.No.418 of 2018 were closed, after filing final reports as 'undetected' and 'lack of evidence' respectively.

7. Taking into account the closure reports filed by the police and having perused the complaint dated 16.09.2016 and several other complaints annexed to the writ petition, this Court is of the opinion that the allegations are very vague, and there is no link or connection with one incident to other incidents alleged against the respondents No.15 and 16 and other private/official respondents arrayed in personal capacity. On the one hand, the petitioner stated that the respondents No.15 and 16 have indulged in the acts of land grabbing, on the other hand, she stated that the said persons and other unofficial respondents have conspired to kill her brother, who was undergoing treatment in Narayana Hrudayalaya i.e. Narayana Malla Reddy.

8. Having carefully perused the annexures filed along with the writ petition, this Court finds that there is no foundation laid by the petitioner for initiating action against the official or unofficial respondents. This Court had to personally enquire with the petitioner as to what was her grievance and suggested the petitioner to take the services of a private lawyer or lawyer appointed through legal aid. However, the petitioner submitted that the lawyer, who had appeared on her behalf, colluded with the respondents in the writ petition. The petitioner pleaded before this Court that justice be done to her. This Court had to explain the petitioner that writ remedy is not a proper remedy and that the petitioner was not able to make out any case warranting interference of this Court. There was no response from the petitioner except pleading that justice be done to her.

9. Having given earnest consideration to the submissions of the petitioner, this Court is of the view that there are no merits in the writ petition and that the petitioner has not made out any case warranting interference by this Court under Article 226 of the Constitution of India.

In view of the above, the writ petition is dismissed. However, the petitioner is given liberty to avail appropriate remedies under the provisions of Cr.P.C. if she is aggrieved by the closure reports in Cr.No.211 of 2017 and Cr.No.418 of 2018 Pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

December 7, 2021
DSK

B. VIJAYSEN REDDY, J