

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No. 36860 OF 2022

ORDER:

This writ petition is filed seeking the following relief:

“ ... to issue a writ order or direction more particularly one in the nature of Writ of Mandamus thereby declaring the action of the Respondent No.2 and 3 in not acting upon the Fir No.965/2022, dated 03.09.2022 and complaint dated 09.09.2022 and the subsequent memo No.1706/CCRB/RCKD/2022 issued from the Office of the Respondent No.2 dated 15.09.2022 as illegal, arbitrary and in violation of Article 14, 19, 21 and 300A of Indian Constitution and consequently direct the Respondent No.2 and 3 to protect the petitioners from unsocial-elements and act upon the internal memo No.1706/CCRB/RCKD/2022, dated 15.09.2022 issued by the Office of Respondent No 2...”

2. Sri Mayur Mundra, learned counsel for the petitioners, submits that the 1st petitioner is the owner and possessor of land admeasuring Ac.3.02 gts. in Survey No.133 and Ac.1.38 gts. in Survey No.141, total admeasuring Ac.5.00 gts., situated at Chengicherla Village, Ghatkesar Mandal, Ranga Reddy District, which he has purchased by way of registered sale deed dated 26.04.1989. He submits that the vendor of the petitioner purchased the said property by way of registered document dated 04.04.1972. He further submits that the 1st petitioner sold the land to an extent of Ac.0.36 gts. on 30.10.1998 to one P.Laxmi and others and subsequent to which, the 2nd petitioner purchased Ac.0.14 gts of land from

the said P.laxmi and others on 06.09.2021. He submits that the petitioners are running a cricket ground in the said property. Thereafter, some antisocial elements tried to encroach upon the land of the petitioners. Hence, the petitioners gave a complaint, which was registered as Crime No.965 of 2022 dated 03.09.2022, but the respondent police did not take any action. He submits that thereafter around 20 to 30 unsocial elements gathered near the property and they are not even permitting the petitioners to enter into the property and threatened with dire consequences. In this regard, the petitioners have given a representation to the Commissioner of Police, Rachakonda. But, so far no action has been initiated by the police on the said complaints.

3. Sri A.Manoj Kumar, learned Assistant Government Pleader for Home, on written instructions, submits that the Investigating Officer, after registering the complaint, has recorded the statement of the complainants and also their neighbours. The 2nd petitioner has disclosed the names of five persons and Sections 341, 143 and 144 read with 149 IPC were added and Section Adding Memo is also sent to the Court. He further submits that the Commissioner of Police has issued proceedings dated 15.09.2022 directing the 3rd respondent to continue further investigation and take steps for protecting the possession of the complainants and other petitioners.

Pursuant to the said directions, picket was formed in the subject land by engaging three police personnel and the said picket is functioning 24 hours. Apart from that, patrolling vans are also frequently visiting the subject land, upon noticing the accused, notices under Section 41-A Cr.P.C. was issued on 16.09.2022. He further submits that the respondent police are conducting investigation and there are no latches on the part of the respondent police.

4. Taking into consideration the fact that a crime is registered on 03.09.2022 and basing on the instructions of the Commissioner, already the respondent police have set up a picket by engaging three police personnel round the clock, this Court finds to reason to issue further orders.

5. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous applications, pending if any, shall stand closed.

LALITHA KANNEGANTI, J

September 26, 2022

mar