

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No.12773 of 2011

ORDER:

1 This Writ Petition is filed with the prayer, which reads as under:

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon'ble Court may be pleased to issue a Writ Of Mandamus, or any other appropriate writ or direction declaring the action of the respondents in not acting upon petitioner's complaints dt:20.03.2011 and 08.04.2011 for trespassing, quarrying and selling the red gravel by the 4th respondent from my land admeasuring to an extent of Ac.2.00 cents and Ac.1.00 cents in Sy.No.1954, Patta Nos. 162 and 163, situated in Nellore Bit-1, Nethaji Nagar, Nellore, bounded by North :Sites of Y. Subbaiah and others, South: Sites of B. Dasaratharamaiah and others, East: 30 feet road and West: land of M.Aruna Kumari and others as illegal, arbitrary, unconstitutional and violative of Articles 14 & 21 of the Constitution of India and consequently direct the 4th respondent to pay Rs.3,00,000/- as cost of the red gravel removed from petitioner's land admeasuring to an extent of Ac.2.00 cents and Ac.1.00 cents in Sy.No.1954, Patta Nos. 162 and 163, situated in Nellore Bit-1, Nethaji Nagar, Nellore bounded by North :Sites of Y. Subbaiah and others, South: Sites of B. Dasaratharamaiah and others, East: 30 feet road and West: land of M.Aruna Kumari and others in the interest of justice and pass such other order or orders as this Hon'ble Court deem fit and proper in the circumstances of the case.

2 Petitioner herein has approached the Superintendent of Police, Nellore on 21.03.2011 and lodged a complaint stating that the 4th respondent herein and others have criminally trespassed into the land admeasuring Ac.2.00 covered by Sy.No.1954, Patta Nos. 162 and 163, situated in Nellore Bit-1, Nethaji Nagar, Nellore and had taken away red

gravel worth about Rs.3.00 lakhs. Based on the complaint of the petitioner, a case in Cr.No.58 of 2011 was registered on the file of V Town Police Station, Nellore for the offences punishable under Sections 447, 506 and 379 r/w 34 of IPC on 21.03.2011 and investigation was taken up.

3 In this Writ Petition it is the grievance of the petitioner that though the said crime was registered against the fourth respondent and others as early as on 21.03.2011, no steps have been taken to complete the investigation and to file appropriate final report against the fourth respondent.

4 When the matter listed on earlier occasion, the same was adjourned to enable the learned Assistant Government Pleader to obtain instructions. After obtaining written instructions furnished by the Sub-Inspector of Police, V Town Police Station, Nellore, the learned Assistant Government Pleader submitted that there are disputes with regard to the southern side boundary of the site between the parties and in view of the dispute, the survey authorities and the municipal authorities were addressed so as to know whether the disputed property belongs to the complainant / petitioner or not. It is stated that already eight witnesses were examined and in anticipation of receipt of the report from the survey authorities, further investigation has not been taken up. It is further stated that the present Sub-Inspector of the V Town Police Station, Nellore has taken charge only on 02.03.2012 and that the petitioner has approached him on 15.03.2012 and requested to provide

protection for surveying the land as per the orders of this Court passed in W.P.No13161 of 2011 dated 03.04.2011. It is stated that in view of the request of the petitioner, police protection was provided to survey the boundaries of the disputed land.

5 Though the complaint of the petitioner was lodged as early as on 21.03.2011, and some of the witnesses were examined, but, further investigation was not taken up in view of the dispute with regard to the boundaries of the land claimed by the petitioner. Inasmuch as the present Sub-Inspector has taken charge only on 02.03.2012 and the disputed boundaries are already surveyed, I deem it appropriate to dispose of the Writ Petition directing the respondents 2 and 3 to complete the investigation in Cr.No.58 of 2011 on the file of V Town Police Station, Nellore within a period of two months from today and submit appropriate final report before the Competent Court.

6 Subject to the above direction, this Writ Petition is disposed of. No order as to costs.

R. SUBHASH REDDY, J.

30.03.2012
C.C. in Two days
B/o Kvsn