

**HIGH COURT FOR THE STATE OF TELANGANA
(Special Original Jurisdiction)**

THURSDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO: 11235 OF 2020

Between:

Kanneboina Lingaiah, S/o Somaiah, aged about 65 years, Native Cherkupalli Village, Ketepalli Mandal, R/o H.No.7-285, Post Office Road, Neredcherla Town, Suryapet District, (Erstwhile Nalgonda District).

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Hyderabad
2. The Superintendent of Police, The Superintendent of Police, Nalgonda, Nalgonda District.
3. The Deputy Superintendent of Police, The Deputy Superintendent of Police, Nalgonda, Nalgonda District.
4. The Circle Inspector of Police, The Circle Inspector of Police, Narakikal, Nalgonda District.
5. The Station House Officer, Kethepalli Police Station, Nalgonda District.
6. Mannem Ravindar Reddy, S/o Pulla Reddy, Aged about 50 years, Occ. Agriculture, Cherukupalli Village, Kethepalli Mandal, Nalgonda District.
7. Mannem Upendar Reddy, S/o Pulla Reddy, Aged about 49 years, Occ. Agriculture, Cherukupalli Village, Kethepalli Mandal, Nalgonda District.
8. Mannem Amarendar Reddy, s/o Pulla Reddy, Aged about 47 years, Occ. Agriculture, Cherukupalli Village, Kethepalli Mandal, Nalgonda District.
9. Mannem Venkat Reddy, S/o Ravindar Reddy, aged about 25 years, Occ. Agriculture, Cherukupalli Village, Kethepalli Mandal, Nalgonda District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus, by declaring the action of the respondent No.5

in non registration of FIR against the respondents No.6 to 9 basing on the complaint on 03.06.2020 made by the petitioner is illegal highly, arbitrary and in violation of violation of Principles of Natural Justice and also in violation of Article 14,19 (1) (g) 21 and 300-A of constitution of India and consequently direct the respondent No.5 to register the FIR against the respondent Nos.6 to 9 basing on the complaint on 03.06.2020 made by the petitioner.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent No. 5 to register the FIR against the respondent Nos. 6 to 9 basing on the complaint on 03.06.2020 made by the petitioner pending disposal of the writ petition.

Counsel for the Petitioner:SRI. RAPOLU BHASKAR

Counsel for the Respondent Nos. 1 to 5: AGP FOR HOME

Counsel for the Respondent Nos. 6 to 9: NONE APPEARED

The Court made the following:

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO.11235 OF 2020

ORDER:

The present writ petition is filed under Article 226 of the Constitution of India to declare the action of respondent No.5 in not registering an FIR against the respondent Nos.6 to 9, basing on the complaint dated 03.06.2020 made by the petitioner, as illegal, highly arbitrary and in violation of principles of natural justice and also in violation of Articles 14, 19(1)(g) and 21 and 300A of Constitution of India.

2. The present writ petition is taken up for hearing today, i.e., 30.07.2020, through Video Conferencing.

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

4. Learned Counsel for the petitioner reiterates the writ averments.

5. Learned Assistant Government Pleader for Home has forwarded to this Court by e-mail written instructions dated 30.07.2020 under the signature of Sub-Inspector of Police, Kethepalli police station, Nalgonda. By the said written instructions, it is stated that on 03.06.2020, the petitioner Kanneboina Lingaiah gave a petition stating that he has patta land to an extent of Ac.1.08 gts in Sy. No.231, which he purchased from one Katkuri Lingaiah and registered the same and got it mutated in his name in the revenue records and also got issued pattadar pass book and cultivating the said lands since 20 years. While,

that being so, the people named in the complaint from Cherukupalli village demanded the petitioner to sell his land at cheaper rate and when the petitioner did not agree, they developed grudge against him and trespassed into the land, abused him in his caste name, threatened him to leave the land and the said people created panic situation. Further, it is also stated that on 03.06.2020, they trespassed into his land illegally and abused the petitioner in filthy language and they also obstructed with tractor and driver and blackmailed the petitioner to handover the land illegally and, as such, they are liable for punishment and also they tried to kill the petitioner, his life is in danger from them. It is stated that upon receiving the above complaint from the petitioner herein, the Sub-Inspector of Police Kethapalli police station conducted an enquiry which revealed that the people named in the complaint, in particular Mannem Upender Reddy did not encroach the land of the petitioner, neither abused nor threatened the petitioner and his family members. It is also stated that the matter is purely civil in nature and advised the petitioner to approach the civil Court to seek redressal of his grievance. Learned Assistant Government Pleader for Home would further submit that, despite the petitioner being advised to approach the appropriate forum seeking redressal of his grievance, a notice to the above effect would also be issued to the petitioner by the concerned authority within two weeks hereof to enable the petitioner to avail appropriate remedy in accordance with law.

6. Having regard to the submissions made as above, since it is stated that the petitioner having been informed of the action taken on his complaint as civil in nature, it is incumbent on the 44

respondent authority to issue a notice to the said effect to the petitioner to enable him to approach appropriate forum to avail remedies in accordance with law. Thus, the 5th respondent authority is hereby directed to issue a notice in writing within two weeks from today, informing of the action taken on the complaint made by the petitioner, to enable the petitioner to approach appropriate forum and avail the remedies in accordance with law.

7. Subject to the above observation and direction, the Writ Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

//TRUE COPY//

Sd/-M.MANJULA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Home Department, State of Telangana, Hyderabad
2. The Superintendent of Police, The Superintendent of Police, Nalgonda, Nalgonda District.
3. The Deputy Superintendent of Police, The Deputy Superintendent of Police, Nalgonda, Nalgonda District.
4. The Circle Inspector of Police, The Circle Inspector of Police, Narakikal, Nalgonda District.
5. The Station House Officer, Kethapalli Police Station, Nalgonda District.
6. One CC to Sri. Rapolu Bhaskar, Advocate (OPUC)
7. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad (OUT)
8. Two CD Copies.

PM

HIGH COURT

TVK,J

DATED:30/07/2020



ORDER

WP.No.11235 of 2020

Disposing of the WP
Without costs.

10^{SSV} Copies
Dt 18/8/2020