
(2021) 08 TEL CK 0046
In the Telangana High Court
Case No : Writ Petition No. 18607 Of 2021

Marthi Ramulu And 3 Others

APPELLANT

Vs

State Of Telangana And 5 Others

RESPONDENT

Date of Decision : 18-08-2021

Acts Referred:

Constitution Of India, 1950 — Article 14, 19, 21, 300A
Code Of Criminal Procedure, 1973 — Section 41A

Citation : (2021) 08 TEL CK 0046

Hon'ble Judges : P.Naveen Rao, J

Bench : Single Bench

Advocate : Penuballi Ramesh Babu

Final Decision : Dismissed

Judgement

This writ petition is filed praying to grant the following relief:

to issue a Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 3 and 4 in

illegally interfering into the petitioners agricultural lands in Sy.No.122/88 Ac.3.18 gts, Sy.No.122/90 Ac.3.18 gts, Sy.No.122/65 Ac.1.13 gts,

Sy.No.122/66 Ac.3.24 gts and Sy.No.122/1 Ac.5.00 gts totalling Acs.16.33 gts situated at Vedanthapuram Village, Aswaraopeta mandal, Bhadradi

Kothagudem District by destroying the existing crop without having any valid reasons and also without having any power with the collusion of the

unofficial respondents 5 and 6 and without following due process of law and having known about the injunction order dated 14.12.2020 in

I.A.No.649/2020 in O.S.No.608 of 2020 on the file of court of the Special Assistant Agent to Government and Sub Divisional Magistrate (Mobile

Court) at Bhadrachalam, without considering the directions of the Hon'ble

High Court passed in W.P.No.11171/2021 dated 30.04.2021 is highly illegal, arbitrary and against the principles of natural justice and also violative of Articles 14, 19, 21 and 300A of Constitution of India and consequently direct the respondents 3 and 4 not to interfere into the peaceful possession and enjoyment of the petitioners lands without following due process of law in the interest of justice and to pass a decree.

2. Heard Mr.P.Ramesh Babu, learned counsel for petitioners, the learned Assistant Government Pleader for Revenue for respondents 1 to 3, and the learned Assistant Government Pleader for Home for respondent No.4.

3. Petitioners claim to be the owners and in possession of land to an extent of Acs.3.18 guntas in Sy.No.122/88, Acs.3.18 guntas in Sy.No.122/90, Ac.1.13 guntas in Sy.No.122/65, Acs.3.24 guntas in Sy.No.122/66 and Acs.5.00 guntas in Sy.No.122/1 of Vedanthapuram village, Aswaraopeta

Mandal, Bhadradri Kothagudem district. Alleging that respondents 5 and 6 are interfering into their possession and enjoyment of the land, petitioners

instituted O.S.No.608 of 2020 on the file of Special Assistant Agent to Government & Sub-Divisional Magistrate (Mobile Court) at Bhadrachalam. In

I.A.No.649 of 2020 in O.S.No.608 of 2020, the Special Assistant Agent to Government granted interim order restraining the respondents therein from

in any way obstructing possession and enjoyment of the petitioners over the suit schedule land. The suit schedule land is the same land and defendants

therein are the respondents 5 and 6 herein. While so, alleging that at the instance of respondents 5 and 6, the Tahsildar and the Station House Officer,

Aswaraopet Police Station, arrayed as respondents 3 and 4 respectively, are interfering in possession and enjoyment of the subject land, destroying the

existing crop, causing hardship and suffering, this writ petition is filed.

4. The copy of the order granted by the Special Assistant to Government is filed as Ex.P1. Petitioners also filed photocopies to show that there is

interference by the Police and the revenue officials in possession and enjoyment of their land.

5. Petitioners earlier filed W.P.No.11171 of 2021 praying to declare the action of the respondent-Police in interfering into the civil disputes by calling

them to the Police Station, directing them to settle the disputes with the unofficial respondents as illegal. The Court observed that since there is inter se

dispute, without availing civil law remedy against respondents 4 and 5, writ

petition is not maintainable and disposed of the said writ petition.

6. Though the learned counsel for petitioners sought to contend that the Special Assistant Agent Court is not working, the averments in the affidavit

filed in support of the writ petition are silent on the said statement. He has not stated why steps are not taken before the Special Assistant Agent to

Government to seek enforcement of the interim orders claimed to have been subsisting concerning the very same land.

7. Learned Assistant Government Pleader for Home informs the Court that allegation of interference in inter se civil disputes by the Police is not

correct. On the contrary, persons by name, Sukavalli Veerabhadra Rao and Sunkavalli Nageswara Rao lodged complaint with the Police in

Aswaraopet Police Station alleging that petitioners are illegally interfering in possession and enjoyment of their land, which is suit schedule land. Based

on the said complaint, Crime No.135 of 2021 was registered and Police issued notice under Section 41-A of Cr.P.C. Petitioners received the said

notice and matter is pending at that stage before the Police.

8. Without responding to the said notice, petitioners filed this writ petition as if the Police and the revenue officials are interfering into the possession

and enjoyment of land, without availing the remedy of going before the Special Assistant Agent Court and prosecuting the pending suit. This is the

second round of litigation on the very same allegation that Police and revenue officials are interfering at the instance of very same party respondents.

Only difference is in the earlier case it was Inspector of Police and now Station House Officer. Court cannot appreciate the institution of the writ

petitions in this manner by the litigants. It amounts to abusing the process of the Court.

8. Writ petition is dismissed with costs of Rs.500/- (Rupees five hundred only), to be payable to the Secretary, High Court Legal Services Committee,

Hyderabad. Pending miscellaneous petitions, if any, shall stand closed.