

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.26833 OF 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents 2 & 3 in involving in the "Civil Dispute" and registering the crime in FIR No.400/2015 dated 11/08/2015 on the file of the 3rd Respondent and allowing the 4th Respondent and other Unofficial Respondents to construct Compound Wall around the House Plots of the Petitioners herein in land bearing Survey Nos.576 & 577 situated at Ameenpur Village of Patancheru Mandal in Medak District, as illegal, arbitrary, without jurisdiction, violative of principles of natural justice and also violative of Articles 14 & 300-A of the Constitution of India, and consequently to direct the Respondents not to interfere with the Petitioners House Plots in Survey Nos.576 & 577 situated at Ameenpur Village of Patancheru Mandal in Medak District; and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Heard Sri Goverdhan Reddy, learned counsel for the petitioner, learned Government Pleader for Home for the respondents 1 to 3 and Sri P.Venkata Reddy, learned counsel for the respondent 4 to 11.

3. The sum and substance of the case of the petitioner herein is that the respondent police authorities are interfering with the civil disputes. In the counter affidavit, Sub-Inspector of Police, P.S.Ramachandrapuram, Medak District, stated that on the complaint dated 11.08.2015 lodged by the 4th respondent with regard to the land admeasuring Acres 0.11 guntas in Sy.No.576 and Acres 1.29 guntas in S.No.577, situated at Ameenpur Village, Patancheru Mandal, Medak District, the police registered FIR No.400/2015, for the alleged

offences U/s.447, 427 and 506 IPC and the police took up the investigation. The said counter further avers that during the course of investigation, the complainant was asked to produce all the documents pertaining to the land in dispute and the documents are yet to be produced. It is further stated that based on the same, further course of investigation will be taken up. It is also stated that so far police have not enquired any person including the petitioners herein nor called them to the police station. Paragraph 5 of the said counter reads as under:

“5. The allegations in para-6 of the affidavit that the Respondents 2 and 3 are giving Police Aid to the complainant is false, baseless and hereby denied. It is incorrect to state that the Respondents 2 and 3 directed the petitioners to hand over vacant possession of the land to the complainant. It is also incorrect to state that the Respondent Police under the influence of the 4th Respondent i.e., complainant warned the Petitioners not to go to the spot. The allegation that the 4th Respondent and other unofficial Respondents are influencing the Police Authorities is false and baseless. The further allegation that the Respondents 2 and 3 are directly involving in the Civil dispute is false, baseless and hereby denied. It is incorrect to state that the Respondents 2 and 3 are giving support and allowing the 4th Respondent to occupy and construct the compound wall around the House Plots of the Petitioners. The Petitioners filed Writ Petition making false and frivolous allegations against the Respondent Police in order to prevent the Police from conducting investigation in FIR No.400/2015, u/s 447, 427, 506 IPC of Ramachandrapuram PS, Medak District. The Respondent Police are not interfering with the Petitioners House Plots nor contemplating to apprehend the Petitioner No. 13 as of now. Based on further investigation, necessary steps will be taken up, as per law. The Writ Petition is filed prematurely, hence the same is liable to be dismissed.”

4. On noticing the above said averments in the counter, learned

counsel for the petitioner requested this court to dispose of the Writ Petition by recording the averments made at paragraph No.5 of the counter affidavit.

5. In view of the above submission, writ petition is disposed of, by recording the averments made at paragraph No.5 of the counter affidavit filed by the Sub-Inspector of Police, P.S. Ramachandrapuram, Medak District.

6. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

08th September, 2015

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