

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

MONDAY THE TWENTYSIXTH DAY OF OCTOBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 22103 OF 2015

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Between:

H. Sunil Kumar Reddy & Anr. ... Petitioners

Vs.

The State of Andhra Pradesh
Represented by its Prl.Secretary,
Home Department,
Secretariat, Hyderabad & Ors. ... Respondents

Counsel for the Petitioners: Sri Venkateshwar Varanasi

Counsel for the Respondents: GP for Home [AP]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 22103 OF 2015

ORDER:

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

“To declare the action of respondents 4 and 5 in calling the petitioners and his family members regularly to the police station and pressurizing the petitioners to settle the land dispute with the sixth respondent as arbitrary, illegal, null and void and exceeding the powers vested with them and also violative of Articles 14, 19 and 21 of the Constitution of India and consequently to direct the respondents 4 and 5 not to call the petitioners and their family members to the police station and not to interfere in the agricultural activities and pressurize the petitioners to settle the land dispute with the sixth respondent and to pass such other suitable orders as this court may deems fit and proper in the circumstances of the case.”

2. Heard Sri M.Venkateshwar Varnasi, learned counsel for the petitioner and the learned Government Pleader for Home for the respondents 1 to 5.

3. When the matter is called, written instructions dated 28/07/2015 furnished by the Sub-Inspector of Police, Mnnuru Police Station, YSR Kadapa district have been placed on record by the learned Government Pleader for Home for the respondents.

4. The written instructions, reads as under:

“The facts of the case are that on 7/6/2015 the sixth respondent Uma Maheswara Reddy had approached the Station House Officer, Mnnuru Police Station, YSR Kadapa district stating that he is the

owner of the land in survey Nos. 34, 35, 36, 39/1 situated at Hasthavaram village and Rajampet, Kadapa district. The petitioners herein tried to interfere in the said land, thereupon the sixth respondent filed OS.No. 246/2011 and the Hon'ble Principal Senior Civil Judge, Rajampet granted statusquo order in favour of the complainant/sixth respondent herein. In spite of granting statusquo order, the petitioners herein interfering in the said land. The complainant/sixth respondent requested the police to take necessary action.

It is submitted that basing on the said complaint, this respondent enquired the matter in detail by calling both the parties to the police station. During the course of enquiry, it is revealed that there was a civil dispute between the petitioners and the sixth respondent herein with regard to the above said land and further OS.No.246/2011 was filed by the sixth respondent against the petitioners herein and the Hon'ble Principal Senior Civil Judge, Rajampet granted statusquo order in favour of the complainant/sixth respondent herein. As the matter relates to civil in nature, hence this respondent suggested both the petitioners and the complainant/sixth respondent to approach the civil court for redressal and not to create any law and order problem.

It is respectfully submitted that the contention of the petitioners that the respondents 4 and 5 police pressurized the petitioners to settle the land dispute with the sixth respondent Uma Maheswara Reddy is false, hence denied. It is submitted that the respondents police never tried to settle the civil dispute between the petitioners and the sixth respondent herein at any point of time.

It is further submitted that on 11/7/2015 at about 06:00 a.m., this respondent received information stating that a mob around 50 to 60 people gathered and a galata was going on at the above said disputed land. Basing on the said information this respondent sent police constables to the said site to get information about the said galata and it revealed that the petitioners belong to YSR C.P. local leaders and the sixth respondent belongs to TDP local leader and they have some of the followers. As the matter relates to civil in

nature, hence this respondent suggested the petitioners not to create law and order problem and keep peace and tranquility and maintain statusquo order of the Hon'ble civil court.

It is further submitted that the petitioners herein filed some photographs as material papers showing the photos of police officials. In this connection, it is submitted that when the police officials visited the disputed site to maintain law and order to keep peace and tranquility at that time the petitioners might have taken the said photos, but it does not mean interference and harassment of respondent police.

It is further submitted that the fourth respondent herein – Circle Inspector of Police, Rajampet Rural Circle was engaged in another duty at Pushkara Bandobust duty at Rajahmundry from 09/7/2015 to 17/7/2015, hence the petitioners allegation that police pressurizing and threatening to settle the land issue with the sixth respondent by the petitioners is false, hence denied.

It is submitted that after going through the contents of the affidavit and the material papers filed in support of the writ petition, it is revealed that the land of the petitioners herein is under dispute in OS.No. 246/2011 before the Hon'ble Principal Senior Civil Judge, Rajampet, for which the respondent police have nothing to do with it. The petitioners unnecessarily involved the police into the said litigation.

Further it is submitted that the sixth respondent herein lodged a complaint on 18/7/2015 with this respondent police station stating that while the complainant tried to get photos of the land in survey Nos. 34, 35, 36 and 39/1, situated at Hasthavaram village and Rajampet, Kadapa district violating the statusquo order issued by the Hon'ble civil court, at that time the husband of the second petitioner herein namely Venugopal Reddy wrongfully restrained, threatened the complainant with dire consequences and also the complainant observed that the boundaries stones were destroyed by the said Venugopal Reddy in the said land. The complainant requested the police to take necessary action. Basing on the said complaint a case in Cr.No.113/2015 dated 18/7/2015 under

sections 341, 427, 506 IPC has been registered against the said Venugopal Reddy and the matter is under investigation.

It is further submitted that the respondent police maintaining law and order to keep peace and tranquility and also visited the scene of offence for the purpose of investigation in the above FIR but it does not mean interference and harassment of respondent police.

It is submitted that the writ petition is devoid of merits and liable to be dismissed.

It is submitted that the respondent police shall obey the directions, if any, passed by this Hon'ble court."

5. On noticing the same, the learned counsel for the petitioners has requested this court to dispose of the writ petition by recording the said written instructions.

5. In view of the above, the writ petition is disposed of by recording the above written instructions furnished by the Sub-Inspector of Police, Munnuru Police Station, YSR Kadapa district.
No costs.

6. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

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Date:26/10/2015
Circulation No.
Court Master: I s L