

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

* * * *

WRIT PETITION No.13417 OF 2012

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Between:

Yerramshetty Suryalaxmana Murthy and another

.. Petitioners

And

The Station House Officer,
Nakkapally P.S., Visakhapatnam, and another.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 06-08-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.13417 of 2012

ORDER:

This writ petition was filed assailing the action of the respondents in threatening to dispossess the petitioners from their agricultural land situated in Sy.No.278/4 of Andugulapalli Village, Peddapalli Mandal, Visakhapatnam District, without following the due

process of law and seeking a consequential direction to the respondents not to dispossess the petitioners from the said land.

The 1st respondent is the Station House Officer, Nakkapally Police Station, while the 2nd respondent is a private party.

Despite service of notice, the 1st respondent has not chosen to file a counter-affidavit. Notice is yet to be served on the 2nd respondent. However, as this Court does not intend to venture into the private disputes, if any, between the petitioners and the said respondent, the order proposed to be passed by this Court would not have any adverse effect upon the said respondent.

The allegation of the petitioners is that the police are interfering with their possession over the subject land without following the due process. In the event the petitioners are involved in any criminal activity, it would be open to the police to investigate the matter in accordance with the due procedure and in the context thereof, summon and examine the petitioners. The police have no power to interfere with the alleged possession of the petitioners over the subject land except in accordance with the due procedure laid down by law.

Making this position clear, the writ petition is closed.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

JUSTICE SANJAY KUMAR

6th August, 2015

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