

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

WRIT PETITION No.28613 of 2015

ORDER:

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

“to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the Respondent Nos.4 and 5 in repeatedly and frequently calling and harassing the Petitioner to attend the police station to settle the Civil Dispute between the petitioner and 6th respondent though he has failed to pay the remaining sale consideration on or before 25-1-2013 as per the Agreement of Sale, dt.22-9-2012, and it was executed by the petitioner's late father in favour of the

6th respondent for the open plot to an extent of 2178 sq.yards in Sy.No.236/A, situated at V. Venkatayapalem Village, Khammam Urban Mandal, Khammam District as illegal, arbitrary, unjust, violation of principles of natural justice and violation of Articles 14, 15, 16 and 21 and 300-A of the Constitution of India and consequently directing respondent Nos.4 & 5 not to interfere into the Civil Dispute and not to call the petitioner to the Police Station and to pass such order or orders as this Hon'ble Court may deems fit and proper in the interest of justice.”

Heard Sri Pulla Rao Yellanki, learned counsel for the petitioner and learned Government Pleader for Home for the respondents 1 to 5, apart from perusing the material available before this Court.

Today, when the matter is called, written instructions, furnished by the Station House Officer, Khanapuram Haveli PS, Khammam District have been placed on record by the learned Government Pleader for Home, and the said instructions read as under:

“It is submitted that the 6th respondent in the writ petition came to the police station on 31-08-2015 and submitted

a petition stating that the petitioner's father made believe him to purchase 2178 sq.yards in Sy.No.236/AA at V. Venkatayapalem Village @ Rs.3,600/- per square yard and received advance sale consideration of Rs.20,00,000/-. He further stated that he inherited the said property and there are no disputes in respect of the said land. However, before paying the balance sale consideration of Rs.60 lakhs, in order to ascertain as to whether there are any disputes in respect of the said land, an advertisement was published in the newspapers inviting objections from the public. On that, it came to light that there are disputes in respect of the said land. The petitioner's father, petitioner and petitioner's daughter have deliberately tried to sell the disputed land and trying to avoid repayment of money given to them. He requested the Police to do justice.

It is submitted that since the contents of the said complaint are civil in nature, an entry in the General Diary of the Police Station was made on 31-08-2015 and the 6th respondent was advised to seek his redressal before the concerned Court.

It is submitted that the petitioner was not called to the Police Station on 01-09-2015 nor pressurized him to pay the amount to the 6th respondent. It is not correct to state that a Criminal Case would be registered against the petitioner if he does not pay money to the 6th respondent. Since the petition of the 6th respondent has been rejected at the very threshold, it is incorrect to state that the Police are interfering in civil matters.

The allegation that the 6th respondent with the help of the 7th respondent approached the respondent Police for the settlement of the Civil dispute and for which the respondent Police are frequently calling the petitioner to attend the Police Station and settle the dispute between him and the 6th respondent is false, baseless and hereby denied. The further allegation that the respondent Police are pressurizing the petitioner to pay the advance sale agreement amount of Rs.20 lakhs with interest is also false, baseless and hereby denied. It is submitted all other allegations made against the Police are not correct and hereby denied."

On noticing the above said instructions, learned counsel for the petitioner has requested this Court to record the said instructions and dispose of the writ petition.

In view of the above, the writ petition stands disposed of, by recording the written instructions furnished by the Station House Officer, Khanapuram Haveli PS, Khammam District.

The Miscellaneous Petitions pending, if any, shall also stand closed. There shall be no order as to costs.

A.V. SESA SAI, J.

Dt.11-09-2015
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THE HON'BLE SRI JUSTICE A.V. SESA SAI

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WRIT PETITION No.29243 of 2015

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September 10, 2015

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