

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

WRIT PETITION No.3565 of 2012

ORDER:

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

“to issue writ of Mandamus to declare the action of the Respondents 1 to 3 in harassing the petitioner by making him to sit in the police station to settle the House Property TRT 154 and 153 bearing MCH No.1-1-18/204, 1-1-18/203, Chikkadapally, Hyderabad in the name of the 4th respondent and also threatening the petitioner to book in a false cases as illegal, arbitrary.”

Today, when the matter is called, written instructions dated 13-11-2015 furnished by the Sub-Inspector of Police, Chikkadapally Police Station, Hyderabad have been placed on record by the learned Government Pleader for Home. The relevant paragraphs of the said instructions read as under:

“It is respectfully submitted that, the case pertains to the property dispute between the petitioner and 4th respondent herein. On 08-02-2012 this respondent received oral complaint from the 4th respondent against the petitioner stated that the petitioner is creating nuisance at his house and threatening him and his mother and threw the household goods on the road and also threatened them with dire consequences and requested this respondent take necessary action against the petitioner. To know the veracity of oral complaint this respondent deputed the police personnel to the house of the 4th respondent for the purpose of enquiry. At that point of time, the petitioner and 4th respondent are quarreling with each other for the subject regarding property in question and claiming rights over the property. To maintain peace and tranquility in the said premises, a petty case was booked under the provisions of Sec.70(b) of the City Police Act against the petitioner vide Petty Case No.2411/2012 dated 08-02-2012 and filed the petty case charge sheet before the Hon'ble Court of V Special Metropolitan Magistrate, at Nampally, Hyderabad. The same was taken on file by the Hon'ble Court vide STC No.715/12, dated 14-02-2012.

It is respectfully submitted that, after filing the petty case the petitioner without approaching this respondent directly approached this Hon'ble Court and filed the present writ petition against this respondent. At present, the petty case STC No.715/12 dated 14-02-2012 was closed on 24-01-2013 by the Hon'ble Court of V Special Metropolitan Magistrate, Nampally, Hyderabad. As such this

writ petition is not maintainable and liable to be dismissed.”

In view of the above instructions, nothing remains for adjudication in the present writ petition.

Hence, the writ petition is closed. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. There shall be no order as to costs.

A.V. SETHA SAI, J

November 16, 2015

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