

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

For the State of Telangana and the State of Andhra Pradesh

W.P.NO:21084 of 2015

Between:

Y. Lakshma Reddy

.. Petitioner(s)

And

The State of A.P. and others

.. Respondent(s)

DATE OF JUDGMENT PRONOUNCED: 11.8.2015

SUBMITTED FOR APPROVAL:

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

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|-----------------------------------------------------------------------------------|--------|
| 1. Whether Reporters of Local news papers<br>may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be<br>marked to Law Reporters/Journals      | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to<br>see the fair copy of the Judgment?  | Yes/No |

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

W.P.No.21084 of 2015

O R D E R:

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

“ For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased issue a Writ, Order, or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in interfering with the peaceful possession and enjoyment of the property i.e. Ac.7.00 cents out of the total extent of Ac.14.43 cents in D.Nos.30/B, 30/C and 26/A of Karuchola Gram Panchayat, Edlapadu Mandal, Guntur District as illegal, arbitrary and unconstitutional and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

When the matter is taken up for consideration, written instructions dated 16.7.2015 furnished by the Sub-Inspector of Police, Edlapadu Police Station, Guntur District has been placed on record by the learned Government Pleader for Home and the relevant portion of

the same reads as under :

“ It is respectfully submitted that after going through the contents of the affidavit and material papers filed in support of the writ petition it is revealed that the petitioner’s land is under dispute between the petitioner and Ginjupalli Sambaiah-5<sup>th</sup> respondent herein in O.S.No.234/2009, 48/2010 and A.S.No.89/2012, 90/2012 and 92/2012 before the Civil Court with regard to the property i.e. D.Nos.30/B, 30/C and 26/A, admeasuring Ac.7.00 situated at Karuchola Gram Panchayat, Edlapadu Mandal, Guntur District for which the respondents police nothing to do with it. The petitioner unnecessarily involving the police into civil litigation.

It is further submitted that with regard to the above property, the following criminal cases were registered on the file of Edlapadu Police Station, Guntur District.

- i. On the complaint of the 5<sup>th</sup> respondent herein a case in Cr.No.122/2009 u/s.506, 353 r/w 34 IPC. The case ended in acquittal on 14.12.2010 vide C.C.No.37/2010 before the Hon’ble Addl. Junior Civil Judge Court, Chilakaluripeta.
- ii. On the complaint of the 5<sup>th</sup> respondent herein a case in Cr.No.159/2009 u/s.468, 471, 420 r/w 34 IPC and Secdion 156(3) Cr.P.C. The case was referred as civil in nature on 21.8.2010.
- iii. On the complaint of the 5<sup>th</sup> respondent herein a case in Cr.No.76/2014 u/s307 r/w34 IPC has been registered against the petitioner herein. The case is pending trial vide PRC No.29/2014 before the Hon’ble Addl. Junior Civil Judge Court, Chilakaluripeta.
- iv. A suo moto case in Cr.No.48/2015 u/s107 Cr.P.C. has been registered. The Hon’ble Revenue Divisional Magistrate, Narasaraopet Sub Division bound over the petitioner for good behaviour vide M.C.No.2/2015.
- v. On the complaint of the 5<sup>th</sup> respondent herein a case in Cr.No.76/2014 u/s307 r/w34 IPC has been registered against the petitioner herein.

It is submitted that the contention of the petitioner that the respondents police interfered with the possession and enjoyment of the property i.e. D.Nos.30/B, 30/C and 26/A, admeasuring Ac.7.00 situated at Karuhola Gram Panchayat, Edlpadu Mandal, Guntur District is false, hence denied.

It is further submitted that the respondents police maintaining law and order and to keep peace and tranquillity in the area with regard to the said dispute and also the respondents police visited the scene of offence at the said property, but it does not mean interference and harassment of the respondents police.”

Noticing the said instructions, learned counsel for the petitioner requests to dispose of the writ petition by recording the above written instructions dated 16.7.2015.

In view of the above, the writ petition stands disposed of by recording the above written instructions dated 16.7.2015 furnished by the Sub-Inspector of Police, Edlapadu Police Station, Guntur District. Miscellaneous applications, if any pending in the writ petition, shall stand closed. No costs.

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A.V.SESHA SAI, J

Date:11.8.2015  
kk

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

W.P.No.21084 of 2015

11.8.2015