

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

WRIT PETITION No.26433 of 2015

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ORDER:

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

“To issue an appropriate Writ, Order or direction more particularly a Writ in the nature of Mandamus declaring the action of the respondents 2 to 5 in interfering with Civil Dispute by threatening the petitioners to Execute the Registered Sale Deed in favour of the 6th respondent for land an extent of Ac.0-61 cents, in Sy. No. 1115/1, an extent of Ac. 0-51 cents and an extent of Ac. 0-10 cents in Sy. No. 1115/2 respectively, in Mummidivaram Village zeroit, of Mummidivaram Mandal of East Godavari District, as illegal, arbitrary, and violation of principle of natural justice and violation fundamental rights under the Constitution of India and contrary to the Judgments of this Hon'ble Court and the Apex Court and consequently direct the respondents 2 to 5 not interfering with Civil Dispute by threatening the petitioners to Execute the Registered Sale Deed in favour of the 6th respondent for land an extent of Ac.0-61 cents, in Sy. No.1115/1, an extent of Ac. 0-51 cents and an extent of Ac. 0-10 cents in Sy. No. 1115/2 respectively, in Mummidivaram Village zeroit, of Mummidivaram Mandal of East Godavari District and pass order.”

2. When the matter is called today, written instructions dated 27.08.2015, furnished by the Sub Inspector of Police, Mummidivaram Police Station, East Godavari District, have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is respectfully submitted that the contention of the petitioners that the respondents 2 to 5 police interfered with the civil disputes between the petitioners and the respondents 6 and 7 in respect of the land in Sy.No. 1115/1 and 115/2 admeasuring Ac. 0.61 and Ac. 0.51 respectively, situated at Mummidivaram village Zeroit, of Mummidivaram Mandal, East Godavari District and also the police threatened the petitioners to execute the alleged registered sale deed in favour of the 6th respondent with regard to the said land is

false, hence denied.

It is submitted that the Station House Officer, Mummidivaram police station received hospital intimation and basing on the statement of the 7th respondent herein who is injured, a case in Cr.No. 105/2015 dated: 10.08.2015 U/s. 323 r/w 34 IPC and Sec. 3 (i) (x) SC/ST (POA) Act 1989 has been registered against the petitioners herein as A-1 to A-3 and 2 others with regard to the lands in Sy.No. 1115/1 and 115/2 admeasuring Ac. 0.61 and Ac. 0.51 respectively, situated at Mummidivaram village Zeroit, of Mummidivaram Mandal, East Godavari District and investigation has been taken up by the Deputy Superintendent of Police, SC/ST Cell-1, Kakinada Police. After completion of investigation an appropriate report will be filed before the concerned Hon'ble Court as expeditiously as possible.

It is respectfully submitted that after going through the contents of the affidavit and material papers filed in support of the writ petition it was revealed that the above said property is under dispute between the petitioner and the respondents 6 and 7, for which the police has nothing to do with it and moreover the respondents police for the purpose of examination summoned the petitioners in FIR No. 105/2015 as per procedure. But without cooperation to police the present writ petition has been filed with baseless allegations.

Except registering the above criminal case with regard to the above said property the respondents police never harassed, threatened and interfered with the said property at any point of time.

The police maintaining law and order problem to keep peace and tranquility in the area, but it does not mean interference and harassment of the respondents police.”

3. On noticing the said written instructions, learned counsel for the petitioners requested this Court to dispose of the writ petition by recording the said written instructions.

4. In view of the above, the writ petition stands disposed of, by recording the written instructions dated 27.08.2015, furnished by the Sub Inspector of Police, Mummidivaram Police Station, East Godavari

District.

5. Miscellaneous petitions pending consideration, if any, in the writ petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

03rd September, 2015

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