

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

W.P.No21811 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, the petitioner herein prays that the Hon'ble Court on the basis of the aforementioned reasons may be pleased to issue an order or writ more particularly one in the nature of writ of mandamus declaring the acts of the respondent no.2 in directing the petitioners to not to carry on agriculture activities in their schedule lands admeasuring 15 acres forming part of Survey Nos.24/19, 24/20, 24/21 and 24/23 situated at Syedguda village, Shamshabad Mandal, Ranga Reddy District, Telangana State as illegal, arbitrary and against the principles of natural justice in the interest of justice and 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 22.7.2015 furnished by the Inspector of Police, Shamshabad Police Station, Cyberabad has been placed on record by the learned Government Pleader for Home and the relevant portion of the same reads as under :

“ The facts of the case are that on 9.6.2015 one D. Vidyasagar lodged a complaint with the 2nd respondent-Station House Officer, Shamshabad Police Station, Cyberabad stating that he purchased land Ac.3.02 guntas in Sy.No.10 situated at Syedguda Village, Shamsabad Mandal, Ranga Reddy District by virtue of registered sale deed dated 30.6.2015. In the said compliant it was also mentioned that his friend namely Abisekh Kumar and his wife Namitha Abisekh Kumar also purchased adjoining parcel of land in Sy.No.10 and 11. Subsequently the petitioners herein tried to interfere in the above said land. Thereupon the complainant filed O.S.No.2048/2008 and the Hon'ble II Addl. Senior Civil Judge, Ranga Reddy District granted interim injunction order in I.A.No.1992/2008 on 14.12.2009. On 8.5.2015 the petitioners herein tried to operate JCB Excavation machine with a criminal intent to trespass and illegal occupation. The complainant requested the police to take necessary action.

It is submitted that basing on the said complaint entry was made in the General Diary on 9.6.2015. During the course of enquiry it was revealed that the petitioners herein claiming that they are the owners of the land in Sy.Nos.24/19, 24/20, 24/21 and 24/23, but the petitioners herein tried to occupy the land of the complainant in Sy.Nos.10 and 11 situated at Syedguda village, Shamsabad Mandal, Ranga Reddy District. Moreover the above said land is under dispute in O.S.No.2048/2008 and the Hon'ble II Addl. Senior Civil Judge, Ranga Reddy District granted interim injunction order in I.A.No.1992/2008 on 14.12.2009. As the matter relates to civil in nature, hence this respondent suggested both the parties to approach the Hon'ble Civil Court or revenue authorities for redressal.

It is respectfully submitted that the contention of the petitioners that the 2nd respondent-Station House Officer, Shamshabad Police Station, Cyberabad interfered in the agricultural activities of the petitioners' lands admeasuring 15 acres forming part of Sy.Nos.24/19,24/20, 24/21 and 24/23 situated at Syedguda village, Shamsabad Mandal, Ranga Reddy District is false, hence denied.

It is incorrect to say that on 7.7.2015 the petitioners approached the police station and this respondent directed the petitioners not to carry the agricultural activities stating that some other persons are claiming right over the petitioners' land. The allegation that if the petitioners enter into the said land the respondent police will constrain to arrest the petitioners herein, hence denied.

It is further submitted that the respondent police maintaining law and order to keep peace and tranquillity and also visited the land for the purpose of enquiry, but it does not mean interference and harassment of respondent police.

It is submitted that as stated above the respondent police never interfered with the land of the petitioners at any point of time as alleged by them. It is submitted that after going through the contents of the affidavit filed in support of the writ petition it revealed that there was a civil dispute between the petitioners and the said D.Vidyasagar and others with regard to the above said land, for which the respondent police has nothing to do with it. The petitioners unnecessarily involving the police into the civil litigation."

Noticing the said instructions, learned counsel for the petitioner requests to dispose of the writ petition by recording the above written instructions dated 22.7.2015.

In view of the above, the writ petition stands disposed of by recording the above written instructions dated 22.7.2015 furnished by the Inspector of Police, Shamshabad Police Station, Cyberabad. Miscellaneous applications, if any pending in the writ petition, shall stand closed. No costs.

A.V.SESHA SAI, J

Date:8.9.2015
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THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

W.P.No.21881 of 2015

8.9.2015

