IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

*** * * ***

WRIT PETITION No.25446 OF 2011

–

Between:
Basana Adilakshmi and others.

.. Petitioners

And
Commissioner of Police, Visakhapatnam and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 11-08-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE SANJAY KUMAR

1. Whether Reporters of Local newspapers may be allowed to see the Judgment? Yes/No
2. Whether the copies of judgment may be marked to Law Reporters/Journals Yes/No
3. Whether Their Lordship wish to see the fair copy of the Judgment? Yes/No

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-

WRIT PETITION No.25446 of 2011

ORDER:

This writ petition was filed assailing the action of the police authorities in interfering in the civil disputes pending between the petitioners and the 5th respondent in relation to the property bearing Door No.21-26-9 in TS Nos.1197 & 1198 of Allipuram Area of Visakhapatnam City.

Sri Jithender Rao Veeramalla, learned counsel for the petitioners, drew support for his allegation that the police authorities were interfering in the matter by pointing out that a counter-affidavit was filed by the 5th respondent herein in I.A.No.609 of 2011 in O.S.No.691 of 2011 pending before the learned V Additional Junior Civil Judge, Visakhapatnam, wherein he stated that upon his complaint to the II Town Police Station, Visakhapatnam, the police posted two guards for the security of his property.

The learned Assistant Government Pleader for Home, having received written instructions dated 27.07.2015 and 06.08.2015 from the Station House Officer, II Town Police Station, Visakhapatnam City, informed this Court that the 1st petitioner in this case lodged a complaint on 16.07.2011 with the II Town Police Station, Visakhapatnam City, stating that while she was erecting her thatched hut, some persons obstructed her from doing so. Basing on the said complaint, the police authorities made an entry in the General Diary but upon enquiry they found that the

5th respondent herein had purchased the disputed property on 30.01.1965 in an auction held by the learned Munsif at Visakhapatnam, in O.S.No.459 of 1964. The police further found that the dispute between the parties was pending adjudication in O.S.No.691 of 2011 on the file of the learned V Additional Junior Civil Judge, Visakhapatnam. She further stated that the police authorities

thereupon advised the parties to approach the concerned Court for redressal of their grievances. As regards the statement made by the 5th respondent in his counter-affidavit filed before the civil Court, the learned Assistant Government Pleader stated that owing to the law and order problem which was created by the parties in relation to the disputed property, the police had to depute a Beat Constable to the area to maintain peace. She further stated that except taking this step, the police authorities never interfered in the civil dispute pending between the petitioners and the unofficial respondent.

The aforestated stand of the police authorities is taken on record.

As the dispute *inter se* the petitioners and the 5th respondent is pending before the competent civil Court, it is for them to seek redressal of their grievances therein. As the police are only interested in maintaining law and order and have categorically stated that they are not interfering in the civil dispute between the parties, no interference is warranted in this writ petition.

The writ petition is accordingly closed.

Pending Miscellaneous Petitions, if any, shall also stand closed. No order as to costs.

_____

SANJAY KUMAR, J

Date:11.08.2015

GJ