

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.9878 of 2015

O R D E R:

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 one in the nature of Writ of Mandamus, to declare the action of the respondent police in causing their interference in the civil matter in connection with suit O.S.No.391 of 2012 .pending on the file of the Senior Civil Judge, Kadapa at the instance of the unofficial respondents as being illegal, arbitrary, unconstitutional and violative of Article 19 and 21 of the Constitution of India, and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.”

2. Heard Sri J.Janaki Rami Reddy, learned counsel for the petitioner, learned Government Pleader for Home for the official respondents and Sri T.V.S. Kumar, learned counsel for the respondents 7 and 8 apart from perusing the material available before the Court.

3. According to the petitioner, he is the absolute owner and possessor of the land admeasuring Ac.0-31 cents, Ac.0-35 cents and Ac.0.59 cents in Sy.No.l107/2, 158/3 and 158/5 situated at Yellatur village and Gram-Panchayat, Pendlimarri Mandal, YSR Kadapa District, having succeeded to the said property from his ancestors. It is further pleaded that since the petitioner was in need of money to meet his urgent necessities, he borrowed a sum of Rs.55,000/- from one Mr.Obaiah and kept the above said property as security with a promise to repay the said debt with interest and subsequently in order to discharge the amounts, he borrowed Rs.95,000/- from the seventh respondent, who in turn executed a re-conveyance agreement dated 13.09.2006 in favour of the petitioner agreeing to re-convey the property. It is also pleaded that the petitioner herein filed O.S.No.391/2012, on the file of the Senior Civil Judge, Kadapa against the seventh respondent herein for a direction to execute the regular sale deed on receipt of the amount. It is the further submission of the petitioner herein that in the said O.P he filed I.A.No.2896/2012 for grant of *ad-interim* injunction to restrain the seventh

respondent from alienating the suit property and the learned Senior Civil Judge granted

ad-interim injunction. It is further stated that during the pendency of

ad-interim injunction, the seventh respondent alienated the said property in favour of the eighth respondent and later the eighth respondent was added as party defendant in the suit proceedings and the suit is pending for consideration.

4. It is alleged in the writ affidavit that the respondents 7 and 8 influenced the second respondent herein who in turn directed the fifth respondent to settle the issue and the fifth respondent knowing fully well with regard to the pendency of the civil suit before a competent civil Court, came to the subject land along with the police constables and

the sixth respondent on 05.04.2015 and threatened the petitioner to measure and deliver the vacant possession of the suit property to the unofficial respondents on or before 11.04.2015. It is also alleged that he threatened the petitioner with dire consequences.

5. Pleading in the manner indicated *supra* and alleging interference of the official respondents in the civil dispute, the present writ petition came to be filed.

6. During the course of hearing, the learned Government Pleader has placed on record the written instructions dated 15.04.2015 furnished by the Sub-Inspector of Police, Pendlimarri Police Station, YSR Kadapa. The said instructions deny the allegation that the police called the petitioner to the police station and threatened to withdraw the suit O.S.No.391/2012 on the file of the learned Senior Civil Judge, Kadapa. It is also stated that there is no involvement of the petitioner in any criminal case and the question of calling the petitioner to the police station does not arise and the police are maintaining the law and order to keep peace and tranquillity in the area and the same cannot be construed as harassment on the part of the respondent police. The instructions also deny the allegation that the unofficial respondents 7 and 8 influenced the second respondent/Superintendent of Police, Kadapa and the direction of the second respondent to the fifth respondent to settle the dispute and also the visiting of the fifth respondent to the subject land.

7. Though various contentions have been raised in the present writ petition, the same cannot be gone into as the civil dispute is admittedly pending on the file of the learned Senior Civil Judge, Kadapa with regard to subject property.

8. In the facts and circumstances and in view of the instructions issued by the fifth respondent/Sub-Inspector of Police, YSR Kadapa District, this Court deems it appropriate to record the said instructions and to dispose of the writ petition.

9. For the aforesaid reasons, writ petition is disposed of by recording the instructions dated 15.04.2015 furnished by the fifth respondent/

Sub-Inspector of Police, Pendlimarri Police Station, YSR Kadapa district. As a sequel, Miscellaneous Petitions, if any, shall stand disposed of. No order as to costs.

A.V.SESHA SAI,J

Date: 17.06.2015

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THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.9878 of 2015

Dated 17TH June, 2015

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THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.9878 of 2015

Date:17.06.2015

Between:

Andela Bala Obulesu s/o Obulesu, aged

About 53 years, Occ: r/o Yellatur village,

Harijanawada, Pendimarry Mandal,

YSR Kadapa District.

... Petitioner

and

The State of Andhra Pradesh represented by

Its Principal Secretary, Home Department,

Secretariat, Hyderabad and seven others.

... Respondents

