

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

WRIT PETITION No.26522 of 2015

ORDER:

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

“to issue writ of Mandamus to declare the action of the respondents particularly the action of the respondents 3 and 4 in interfering with petitioners possession and enjoyment and also causing hurdles for the construction of buildings being made by them at house bearing door No.17-1-197/T/4/2 and 17-1-197/T/4/1, Dhobhighat, Madannapet, Hyderabad without any manner of right or authority as illegal, colourable exercise of power and violative of Art.21 and 300A of the Constitution of India and consequently direct the respondents not to interfere or cause hurdles for their constructions.”

Heard Sri M.V.K. Prasad, learned Senior Counsel representing Sri Narasimha Rao Gudiseva, learned counsel for the petitioners and learned Government Pleader for Home for respondents, apart from perusing the material available before this Court.

Today, when the matter is called, written instructions, dated 28-08-2015 furnished by the Inspector of Police, Madannapet Police Station, Hyderabad have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is respectfully submitted that as per the records, it is revealed that no complaint or case whatsoever was received or registered against the petitioners herein on the file of Madannapet Police Station, Hyderabad City.

It is submitted that the allegation of the petitioner that when the petitioner and the petitioners 2 to 5 are proceeding

with the construction of buildings as per the permission granted by the GHIVIC authorities, this respondent all of a sudden started interfering with their construction work duly visiting the site personally and also by sending the constables and creating troubles for the last one week and also they are restraining them from proceeding with the work without any reasons is absolutely false, baseless and hence denied.

It is submitted that the allegation of the petitioner that when he questioned this respondent for illegal interference, this respondent informed that they have instructions from their superior officers and directed them not to proceed with the construction work and also threatened that they would take stringent action if they proceed further besides- implicating them in criminal cases and also threatened is also utterly false, baseless and hence denied.

It is submitted that the allegation of the petitioner that fed up with the arbitrary action of this respondent and his subordinates, he approached the 3rd respondent and brought to his notice about the illegal interference of this respondent, the 3rd respondent expressed his inability to protect his interest stating that the 5th respondent is making complaints alleging that the construction is being made in an unauthorized manner and creating pressure on them and advised them to follow the dictates of the 4th respondent herein is also false and hence denied.

It is pertinent to submit that one Smt. Ayesha Bee-5th respondent herein had approached the police of Madannapet Police Station, Hyderabad on 21.5.2015 and lodged a complaint stating that her water pipe and water tank were broken while taking up the construction work at Dhobighat, Madannapet and requested the police to take necessary action.

Upon receipt of the said petition, immediately, an entry was made into the Station General Diary stating that after conducting preliminary enquiry into the matter action will be taken. For the purpose of conducting of preliminary enquiry into the petition of the 5th respondent herein, the staff of this respondent visited the Dhobighat, Madannapet and got the matter enquired with the concerned. It appeared that there are disputes between the 5th respondent herein and others including the writ petitioners herein relating to the construction work at Door No.17-1-197/T/4/2 and 17-1-197/T/4/1, Dhobighat, Madannapet, Hyderabad for which both parties are claiming rights and title over the same and hence immediately

this respondent advised the 5th respondent-complainant to seek her redressal in a competent civil court. But no case whatsoever was registered as of now against any one.

It is pertinent to submit that the dispute of the petitioners as well as the 5th respondent herein is purely civil in nature and no way this respondent police concerned with it. Except advising the 5th respondent-complainant to seek her redressal in a competent court of law, this respondent never interfered with the subject property in question.

Having bore grudge against the 5th respondent herein, the petitioners made baseless allegations against this respondent, which are far from truth.

I humbly submit that this respondent never interfered with the civil disputes muchless the dispute of the petitioners herein.

I also submit that as a precautionary measure to prevent the police from taking any action in the event of lodging of any complaint against the petitioners, the petitioners filed the present writ petition on mere apprehension."

On noticing the above said instructions, learned senior counsel appearing for the petitioner has requested this Court to record the said instructions and dispose of the writ petition.

In view of the above, the writ petition stands disposed of, by recording the written instructions, dated 28-08-2015 furnished by the Inspector of Police, Madannapet Police Station, Hyderabad.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. There shall be no order as to costs.

A.V. SESA SAI, J

August 28, 2015

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