

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

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WRIT PETITION No.19994 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 a writ, direction or order particularly one in the nature of Writ of Mandamus to direct the respondent No.6 to consider the complaint filed on 18.06.2015 for inaction and entertaining the operations of the unofficial respondents is illegal, arbitrary and violation of fundamental rights of Article 21(2) of Constitution of India and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. When the matter is called today, written instructions dated 08.07.2015 furnished by the Sub Inspector of Police, Banjara Hills Police Station, Hyderabad, have been placed on record by the learned Government Pleader for Home. In the said instructions, it is stated that a civil suit in O.S.No.239 of 2014 is pending on the file of Chief Judge, City Civil Court, Hyderabad and there is also *ad-interim* injunction granted in I.A.No.228/2014 in the said suit restraining the defendants. Obviously, the complaint of the petitioner herein is interference of the defendants in the subject property. In the written instructions furnished by the Sub Inspector of Police, Banjara Hills, Police Station, Hyderabad, it is stated that the dispute in the present case is purely civil in nature and the police is no way concerned with the same and it is open for the petitioner herein to approach the competent court of law.

3. Since the civil suit is pending and *ad-interim* injunction is also granted by the Civil Court in I.A.No.228/2014 in O.S.No.239 of 2014, it is always open for the petitioner herein to make an application alleging violation of the said order, under the provisions of Order XXXIX Rule 2-A of the Code of Civil Procedure, 1908.

4. In view of the above, writ petition is disposed of, keeping it open for the petitioner herein to make necessary application before the Civil Court, where O.S.No.239 of 2014 is pending for consideration. If any such application is made, appropriate orders be passed thereon.

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

04th August, 2015

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