

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.38176 of 2015

ORDER:

The prayer in this writ petition is in the following terms:

“For the reasons stated in the accompanying affidavit, the petitioner herein therefore pray that this Hon’ble Court may be pleased to issue a writ, order or direction especially in the nature of Writ of Mandamus or any other appropriate writ declaring the action of the respondents 3 to 6 in interfering in the civil disputes and restraining the petitioner from conducting agricultural operation in petitioner agricultural land in R.S.No.431/2 to an extent of Ac 1.15 cts and in R.S.No.432/6 to an extent of Ac 0.19 cts of Peumantra Village and Mandal, West Godavari District, in spite of injunction from the competent civil court, as illegal, arbitrary and contrary to the provisions of Criminal Procedure Code, 1973 and Art. 21 of the Constitution of India and consequently direct the respondents 3 to 6 not to interfere in the civil disputes pertaining to R.S.No.431/2 to an extent of Ac 1.15 cts and in R.S.No.432/6 to an extent of Ac 0.19 cts of Peumantra Village and Mandal, West Godavari District by restraining the petitioner from conducting the agricultural operation in the petitioner agricultural land and pass such other order or orders as are deemed fit and proper.”

Significantly, the petitioner earlier filed W.P.No.18443 of 2014 before this Court in which respondents 5 to 7 are none other than respondents 7 to 9 in the present writ petition. The prayer in the said writ petition was as under:

“...to issue a writ, order or direction especially in the nature of Writ of Mandamus or any other appropriate writ declaring the action of the respondents 3 and 4 in interfering in the civil disputes and calling the petitioner to the police station and made the petitioner to sit unnecessarily and also interfering with the petitioner agriculture operations in respect of land in R.S.No.431/2 to an extent of Ac 1.15 cts and in R.S.No.432/6 to an extent of Ac 0.19 cts of Penumantra Village and Mandal, West Godavari District, as illegal, arbitrary and contrary to the provisions of Criminal Procedure Code, 1973 and Article 21 of the Constitution of India and consequently, direct the respondent Nos.3 and 4 not to interfere in civil disputes pertaining to R.S.No.431/2 to an extent of Ac.1.15 cts and in R.S.No.432/6 to an extent of Ac.0.19 cts of Penumantra Village and Mandal, West Godavari District and calling the petitioner to police station and make the petitioner to sit unnecessarily.”

By order dated 04.07.2014, this Court granted an interim order in the said writ petition to the effect that the Sub-Inspector of Police, Penumantra Police Station, Penumantra, West Godavari District, shall not interfere in any civil disputes between the petitioner and unofficial respondents 5 to 7. This writ petition is stated to be still pending.

The prayer in the present writ petition is nothing but a replication of the prayer in the earlier writ petition. The parties are also the same except for the fact that certain revenue officials have now been added. As the petitioner has already got protection by virtue of the interim order granted in the earlier writ petition, it is not open to him to file multiple writ petitions complaining of police interference.

In the light of the order granted by this Court in the earlier writ petition, any violation thereof may give rise to appropriate proceedings under the Contempt of Courts Act, 1971, if at all, and cannot be taken to be a cause of action for filing a fresh writ petition.

The writ petition is misconceived and is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

3rd December, 2015

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