

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.32803 of 2015

ORDER:

The prayer of the petitioners in this writ petition is as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed in the interest of justice that this Hon'ble Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of Respondent No.4 in threatening the petitioners and interfering with the daily activities of the petitioners in their lands in an extent of Ac.1.82 cents covered by Sy.No.95/1, Ac.0.09 cents covered by Sy.No.95/2, Ac.1.81 cents covered by Sy.No.95/3, Ac.0.85 cents covered by Sy.No.97/6 and Ac.3.29 cents covered by Sy.No.115/2, total comes to Ac.7.86 cents situated at Pedamusidivada Village, Parawada Mandal, Visakhapatnam District, Andhra Pradesh, as arbitrary, illegal, without jurisdiction, unconstitutional, against the principles of natural justice, and to pass such other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

The learned Government Pleader for Home was requested to obtain instructions in the matter on 07.10.2015. Pursuant thereto, the Inspector of Police, Parawada Police Station, Visakhapatnam City, furnished written instructions dated 14.10.2015 which are placed before this Court.

An implead petition in W.P.M.P.No.45454 of 2015 was filed by three persons seeking to come on record as respondents 5 to 7.

Sri V.S.R. Anjaneyulu, learned counsel appearing for these implead petitioners, stated that various incorrect factual statements have been made in the affidavit filed in support of the writ petition and that his clients would therefore have to rebut the same by way of filing a counter-affidavit.

However, in terms of the prayer in this writ petition, the only issue that falls for consideration before this Court is whether the police authorities are interfering with the petitioners and their daily activities in the context of certain lands situated in Pedamusidivada Village, Parawada Mandal, Visakhapatnam District.

Perusal of the written instructions dated 14.10.2015 furnished by the Inspector of Police, Parawada Police Station, Visakhapatnam City, reflects that he

stated in categorical terms that the Parawada police authorities were not having any interest in the matter except to the extent of dealing with any law and order problems arising at the disputed land. He further stated that the Parawada police authorities never interfered in the affairs of the parties involved and merely counselled them to approach the competent civil court for redressal.

In the light of the afore-stated stand of the police authorities, no adjudication is called for in this writ petition. The disputes between the parties would necessarily have to be addressed by them before the competent civil court in accordance with law. This Court therefore does not deem it appropriate to venture into the veracity or otherwise of the claims put forth by either side. Insofar as the police authorities are concerned, they would be mindful of the fact that their powers of intervention would be limited in the context of any civil dispute between the parties and they would be required to address any law and order issue or any criminal activity arising out of such a dispute. While dealing with such a situation, the police authorities would be mindful of the limits of their powers in such a scenario and act accordingly.

Subject to the above observations, the writ petition is dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

5th November, 2015

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