

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

WRIT PETITION No.30875 of 2012

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 is illegal, arbitrary and against principles of natural justice and violation of Articles 14, 16 and 21 of Constitution of India by directing the respondents herein not to interfere with the petitioners peaceful possession and enjoyment of property in Sy.No.419/2 an extent of Acs.2-75 cents situated at Perecherla (V), Medikondur (M), Guntur District as it is Civil in nature.”

Heard Sri P. Indira Prakash, learned counsel for the petitioner and learned Government Pleader for Home for respondents, apart from perusing the material available before this Court.

A counter-affidavit deposed by Inspector of Police, Medikondur Police Station, Guntur Urban Police District is filed. Paragraph Nos.7 to 10 of the said counter-affidavit read as under:

“7. It is respectfully submitted that on 09-09-2015 one Jampani Venkata Kumar, W/o.Sambasiva Rao, R/o.Peracherla village, Medikondur mandal, Guntur district approached the Police Station and lodged a complaint stating that she is looking after the petitioner's land in Sy.No.419/2, admeasuring Ac.2.75 cents, situated at Perecherla village, Medikondur mandal, Guntur District. On 07-09-2015 the respondents 4 to 9 trespassed into the said land, caused mischief of the crops and abused in filthy language. The complainant requested the police to take necessary action.

8. It is submitted that basing on the said complaint a case in Cr.No.205/2015 dated: 09-09-2015 under Section 447, 427, 290 r/w.34 IPC has been registered against the respondents 4 to 9 herein and investigation has been

taken up by issuing notices under Section 41-A Cr.P.C. The matter is under investigation. Basing on the evidence the investigation will be finalized as per law and an appropriate report will be submitted before the concerned Hon'ble Court.

9. It is respectfully submitted that the contention of the petitioner that at the investigation of the respondents 4 to 9 herein, the respondents police interfered with the civil dispute with regard to the land in Sy.No.419/2, admeasuring Ac.2.75 cents, situated at Perecherla village, Medikondur mandal, Guntur District is false, hence denied. It is submitted that the respondents police maintaining law and order problem to keep peace and tranquility in the area, but it does not mean interference of the respondents police. It is submitted that the respondents police discharging their legitimate duties, but they never interfered with the civil dispute as alleged by the petitioner herein. All the other allegations leveled against the respondents police are false, hence denied.

10. It is respectfully submitted that as stated supra the respondent police taken action against the respondents 4 to 9 by registering the above FIR. Hence the writ petition deserves no consideration and liable to be dismissed."

While referring to the said averments it is requested by the learned counsel for the petitioner herein that in view of the same the writ petition can be closed.

In view of the above submission, the writ petition stands closed, by taking into consideration of the above mentioned averments in the counter-affidavit.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

A.V. SESA SAI, J

December 08, 2015

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

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