

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 38589 of 2012

ORDER:

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As there was no representation on behalf of the petitioner on 07.10.2015 and 03.11.2015 the matter was directed to be listed on 13.11.2015 under the caption "for dismissal". In spite of matter being posted under the caption "for dismissal" there is no representation on behalf of the petitioner either in the morning or in afternoon session. Hence heard the Government Pleader for Home.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent Nos.4 and 5 for not conducting proper enquiry in Crime No.42 of 2012 of Rajampet Town Police Station, Kadapa District and for not implementing the interim order dated 27.11.2012 passed in CrI.M.P.No.933 of 2012 in D.V.C.No.3 of 2012 on the file of the Judicial Magistrate of First Class, Rajampet, as illegal, arbitrary and violative of principles of natural justice; and consequently to direct respondent Nos.1 to 3 to enquire into the matter pertaining to the allegations made by the petitioner and take appropriate action against respondent Nos.4 and 5.

At the time when the matter is taken up for hearing, learned Government Pleader for Home placed on record the instructions received by him, wherein it has been stated that the police investigated into Crime No.42 of 2012 and referred the case as "false" as per the orders of the Sub-Divisional Police Officer, Rajampet vide Rc.No.53/SDPO-RJT/13, dated 01.03.2013 and a final report was also filed before the Court.

Insofar as the proceedings in D.V.C. is concerned, it is to be noted that the said dispute is between the petitioner and contesting parties, who are none other than in-laws of the petitioner. By an order, dated 27.11.2012, the learned Magistrate passed an ex parte order restraining the respondents therein from dispossess or in any manner disturbing the possession of the aggrieved person/petitioner from the shared household and further the respondents therein were directed to provide water and electricity connection to the house bearing No. 6-1034 and its upstairs.

If the petitioner is really aggrieved by the order passed in Crl.M.P.No.933 of 2012 in D.V.C.No.3 of 2012, the remedy lies elsewhere but definitely not before this Court under Article 226 of the Constitution of India, since no directions are given to the respondents herein. Hence, this Court is of the view that the relief as sought for by the petitioner cannot be granted.

Accordingly, the writ petition is dismissed. No order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

16.11.2015

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