

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

WRIT PETITION No.26374 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, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents No.2 to 4 herein in interfering with the civil disputes in respect of property bearing No.D.No.45-2-4 (Old No. 24/15-2-7), situated at Yesuvari Street, Jagannadhapuram, Sub Registry Kakinada, East Godavari District, between petitioner and respondents no.5 and 6 as illegal, arbitrary and contrary to law and consequently direct the respondents no.1 to 4 herein not to interfere in the civil disputes between the petitioner and respondents no.5 and 6 herein and to pass such other order.”

2. When the matter is called today, written instructions dated 27.08.2015, furnished by the Station House Officer, I Town L & O Police Station, Kakinada, East Godavari District, have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is respectfully submitted that after going through the contents of the affidavit and material papers filed in support of the writ petition it was revealed that the above said property is under dispute between the petitioner and the respondents 5 and 6 in O.S.No. 275/2015 before the Hon'ble 1st Junior Civil Judge, Kakinada, for which the police has nothing to do with it. The petitioner unnecessarily involving the police into civil litigation.

It is submitted that with regard to the above said property, one Vadagana Marthanda Rama Murthy lodged a complaint on 6.5.2015 with the Station House Officer, I Town Kakinada police station against the petitioner/A-1 and 3 others. Basing on the said complaint a case in Cr.No.98/2015 U/s. 323, 341, 506, 427 r/w. 34 IPC has been registered which is under investigation.

It is submitted that with regard to the above said property, on the complaint of the petitioner herein a case in

Cr.No. 134/2015 dated: 18.6.2015 U/s.447, 506 IPC has been registered against one Chunduru Srirama Murthy and others on the file of I Town L&O police station, Kakinada. The case is under investigation.

It is further submitted that with regard to the above said property, on the complaint of one Vadagana Marthanda Ramas Murthy a case in Cr.No. 138/2015 dated: 23.6.2015 U/s. 323, 506 r/w IPC has been registered against one Sangani Nanda and others on the file of I Town L&O police station, Kakinada. The case is under investigation.

It is respectfully submitted that the contention of the petitioner that the respondents 2 to 4 police interfered with the civil disputes between the petitioner and the respondents 5 and 6 in respect of property bearing No.D.No. 45-2-4 (old No. 2415-2-7), situated at Yesuvari Street, Jagannadhapuram, East Godavari District is false, hence denied. It is submitted that with regard to the above said property civil suits are filed and also criminal cases were registered.

It is incorrect to say that the respondents 5 and 6 in collusion of the respondents 2 to 4 police and staff trespassed into the petitioner's property and raised structures, hence denied.

The police maintaining law and order problem to keep peace and tranquility in the area. Further the police also visited the scene of offence at the said site for the purpose of investigation, but it does not mean interference and harassment of the respondents police.

As stated above except registering the above criminal cases and visited the scene of offence with regard to the above said property the respondents police never harassed, threatened and interfered with the said property at any point of time."

3. On noticing the said written instructions, learned counsel for the petitioner requested this Court to dispose of the writ petition by recording the said written instructions.

4. In view of the above, the writ petition stands disposed of, by recording the written instructions dated 27.08.2015, furnished by the

Station House Officer, I Town L&O Police Station, Kakinada, East
Godavari District.

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

03rd September, 2015

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