

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.19458 of 2015

ORDER

This writ petition is filed under Article 226 of the Constitution of India for the following relief;

“to issue a writ of mandamus, or any other appropriate writ, order declaring the action of the 2nd respondent in interfering with the peaceful possession and enjoyment of the property to an extent of 678 sq. yards bearing D.No.29/198-2, Ankanigudem, Chintaguntapalem, Machilipatnam, Krishna District and trying to dispossess the petitioner from the said property, as illegal, arbitrary and without jurisdiction”.

2. Heard learned counsel for the petitioner and learned Government Pleader for Home for respondents 1 and 2.

3. Today, when the matter is taken up, learned Government Pleader for Home has placed on record the written instructions dated 05.08.2015 furnished by the Sub-Inspector of Police, Inagudurupet Police Station, Krishna District. The said instructions read as under;

“The facts of the case are that the 2nd respondent-Station House Officer, Inagudurupet Police Station, Krishna District received complaints from the petitioner and the 3rd respondent/Moka Venkateswara Rao claiming the property to an extent of 678 sq. yards bearing D.No.29/198-2, Ankanigudem, Chintaguntapalem, Machilipatnam, Krishna District and both the parties are creating nuisance and disturbing law and order, peace and tranquility, hence the 2nd respondent police sent a report dated 26.06.2015 to the Tahsildar, Machilipatnam Mandal to initiate proceedings u/s.145 Cr.P.C. Accordingly, in view of the above facts and circumstances, the Tahsildar, Machilipatnam Mandal initiated proceedings u/s.145 Cr.P.C., vide M.C.No.32/2015 dated 26.06.2015. The proceedings are existing.

It is further submitted that as per the contents of the affidavit and the material papers filed in support of the writ petition it revealed that the said property is under dispute in O.S.Nos.253/2010 on the file of the Hon'ble Principal Junior Civil Judge, Machilipatnam and O.S.No.86/2011 on the file of the Hon'ble Principal Senior Civil

Judge, Machilipatnam.

It is submitted that with regard to the said property following criminal cases were registered;

- i. Cr.No.26/2011 dated 08.03.2011 u/s.447, 506 r/w.34 IPC on the file of Inagudurupet Police Station, Krishna District. The case ended in compromise before the Hon'ble Lok Adalath on 27.04.2011 vide C.C.No.131/2011.
- ii. Cr.No.33/2011 dated 2.04.2011 u/s.452,427,354, 323, 506 r/w.34 IPC of Inagudurupet police station, Krishna District. The case ended in compromise before the Hon'ble Lok Adalath vide C.C.No.274/2011.
- iii. Cr.No.63/2012 dated 23.06.2012 u/s.324 r/w 34 IPC of Inagudurupet Police Station, Krishna District. The case ended in conviction on 25.02.2014 vide C.C.No.272/2014.
- iv. Cr.No.130/2014 dated 13.05.2014 u/s.324 IPC of Inagudurupet Police Station, Krishna District. The case is pending trial vide C.C.No.340/2014.

The contention of the petitioner that this respondent is interfering with the peaceful possession and enjoyment of the petitioner's property and trying to dispossess him is false, hence denied.

It is incorrect to say that on 22.06.2015 this respondent highhandedly entered into the said property, pressurized the petitioner to vacate the premises and tried to remove the electricity meter is denied. It is submitted that the respondent police maintaining law and order and are trying to keep peace and tranquility in the area, but it does not mean interference and harassment of the respondent police."

4. On noticing the said instructions, learned counsel for the petitioner has requested this Court to close the writ petition by recording the same.

5. In view of the above, the Writ Petition is disposed of, by recording the instructions referred to supra. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A.V.SESHA SAI

10th August, 2015

sj

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