

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.7761 of 2015

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ORDER:

Heard.

The petitioners state that the 3rd respondent is trying to dispossess them from their legal possession and enjoyment of the house property bearing No.17-1-376/352 situated at Santosh Nagar, Hyderabad, in order to restore possession of the same to the 4th respondent.

The petitioners allege that there is a civil dispute between the petitioners and one Sri M.Srinivas Rao and that the 4th respondent is stated to be the General Power of Attorney Holder of the said Srinivas Rao. The suit in O.S.No.414 of 2006 before the XII Junior Civil Judge, City Civil Court, Hyderabad, instituted by the said Srinivas Rao was dismissed as withdrawn in terms of the memo filed by him on 17-07-2014. The petitioners state that they continued to be in possession of the said house and that the 4th respondent in the capacity of the GPA holder of the plaintiff in the aforesaid suit filed a complaint against the petitioners, which is registered as a case in Cr.No.117 of 2014 on 05-04-2014 and pending before the 3rd respondent Police Station. The petitioners allege that the 3rd respondent is trying to dispossess them from the property in question in order to handover the same to the 4th respondent. Hence, they filed the present writ petition.

Learned Government Pleader has received instructions, which state that the petitioners are A1 and A2 in Cr.No.117 of 2014 and that the 3rd respondent has already completed the investigation and also filed charge-sheet before the competent criminal court on 20-03-2015 and as on date, the cognizance thereon is not taken by the said Court. To the extent of allegation of the petitioners that the 3rd respondent is trying to dispossess them, is concerned, it is stated that the 3rd respondent is not competent to dispossess either the complainant or the petitioners

and that the 3rd respondent has merely registered the case, completed the investigation and filed charge-sheet and no way connected with the civil dispute between the parties.

Since it is categorically stated that the respondent police is not competent to dispossess the complainant or the petitioners, the allegation made by the petitioners in this writ petition is clearly unsubstantiated.

In view of the said statement of the 3rd respondent and in view of filing of charge-sheet, no further orders are required to be passed in this writ petition.

Accordingly, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 30-03-2015

Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

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30-03-2015