

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH

* * *

WRIT PETITION No. 29298 of 2012

BETWEEN

J.Bixapathi and another

... PETITIONERS

AND

Government of Andhra Pradesh, rep by its Principal Secretary Home
Department, Secretariat, Hyderabad and others

...RESPONDENTS

Date of Order pronounced: 22.07.2015

SUBMITTED FOR APPROVAL:

-
-

THE HON'BLE SRI JUSTICE SANJAY KUMAR

- | | |
|--|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wish to see the
fair copy of the Judgment? | Yes/No |

ORDER:-

The grievance of the petitioners in this case was that the Station House Officer, Rayadurgam Police Station, Cyberabad, and the Circle Inspector, Rayadurgam Police Station, Cyberabad, were interfering in the civil disputes pertaining to the joint property of the petitioners situated in Survey Nos.259/A and 259/AA of Manikonda Village, Rajendra Nagar Mandal, Ranga Reddy District.

2. The Circle Inspector, Rayadurgam Police Station, was only impleaded by name and notice was duly served upon him. However he has not chosen to file a counter affidavit.

3. The Inspector of Police, Rayadurgam Police Station, Cyberabad, filed a counter affidavit on behalf of the Station House Officer, Rayadurgam Police Station, Cyberabad, respondent No.2, wherein he stated that he assumed charge on 21.02.2014 and that he was deposing to the counter affidavit basing on records. He denied all the allegations leveled by the petitioners against the police authorities and stated that no complaint or case was received or registered against the petitioners on the file of Rayadurgam Police Station. He further stated that the police authorities never threatened the petitioners or summoned them to the police station or made them sit in the police station for hours together. He concluded the counter affidavit by stating that the dispute of the petitioners with the unofficial respondents was purely a civil dispute and hence the police authorities had nothing to do with the same.

4. Reply affidavit was filed by the petitioners rebutting the averments made in the above counter affidavit.

5. Smt. A. Chaya Devi, learned counsel for the petitioners, stated that the police authorities had, in fact, assisted the unofficial respondents in the laying of a road through the petitioners' property unlawfully. She further stated that the issue now gives rise to a cause of action in civil law and that the police authorities are not presently interfering in the matter.

6. In any event, the police authorities are bound to abide by the due

procedure laid down by law in the event they need to take action in any matter. Presently, this court is not in a position to adjudicate the disputed questions of fact as to whether the police authorities played any role in the alleged illegal activities of the unofficial respondents.

The writ petition is therefore closed leaving it open to the petitioners to avail appropriate remedies in accordance with law before the competent forum. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

July 22, 2015
Lmv