

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

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WRIT PETITION No.28621 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 writ of mandamus or any other appropriate writ or direction declaring the action of the 4th respondent in interfering with the civil disputes and also not allowing me to enter into my house situated in Plot No.78, Sy.No.9,10 of Mittapalem Village, Atchampet Mandal, Guntur district at the instance of 5th respondent is illegal, arbitrary and violative of principal of natural justice and consequently direct the 4th and 5th respondent not to interfere with peaceful possession and enjoyment of the petitioner and to pass such other or further orders as the Hon'ble Court may feel deem fit and proper in the circumstances of the case

.”

2. When the matter is called today, written instructions dated 14.09.2015, furnished by the Sub Inspector of Police, Atchampet Police Station, Guntur Rural District, have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“The facts of the case are that one Devisetty Sambasiva Rao had lodged a complaint with the Station House Officer, Atchampet police station, stating Nelluri Hanmayanamma/petitioner herein and others interfered with the plot No.78, in Sy.Nos. 9 and 10 situated at Mittapalem village, Atchampet Mandal, Guntur District. The petitioner requested the police to take necessary action.

It is submitted that basing on the said complaint, the respondent police enquired the matter in detail and as per the documents of the petitioner and said Devesetti Sambasiva Rao the land in plot No.78, in Sy.Nos. 9 and 10 situated at Mittapalem village, Atchampet Mandal, Guntur District, hence the respondent police addressed a letter to the

Tahsildar, Atchampet Mandal and inturn the Tahsildar in his letter Rc.330/2015-S dated: 31.8.2015 declare that the above said land belongs to Government.

It is respectfully submitted that the contention of the petitioner that at the instance of the respondent NO.5-Village Revenue Officer, Mittapelem Village, the respondent police interfered with the civil dispute in respect of the above said land is false, hence denied.

It is respectfully submitted that after going through the contents of the affidavit and the material papers filed in support of the writ petition it revealed that the petitioner herein filed suit with regard to the above said land against her two sons in O.S.No.64/2015 before the Hon'ble Principal Junior Civil Judge, Sattenapalli. It is respectfully submitted that as per the contents of the affidavit, the petitioner herein submitted a representation to the Dist. Collector, Guntur with regard to the said land, for which the respondent police nothing to do with it. The petitioner unnecessarily involving the police into civil litigation.

It is respectfully submitted that the police maintaining law and order problem to keep peace and tranquility in the area, but it does not mean interference and harassment of the respondent police. All the other allegations leveled against the respondents police are false, hence denied.

It is respectfully submitted that the writ petition is devoid of merits and liable to be dismissed. The respondent police shall obey the directions if any passed by this Hon'ble Court.

It is respectfully submitted that as stated supra the respondent police never summoned, threatened and interfered with the civil dispute between the petitioner and the others in respect of the above said land at any point of time."

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

4. In view of the above, writ petition is disposed of, by recording the written instructions dated 14.09.2015, furnished by the Sub Inspector of Police, Atchampet Police Station, Guntur Rural 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

05th October, 2015

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