

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

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WRIT PETITION No.27708 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 an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of the respondent no.4 in threatening and preventing the petitioner in enjoying his agricultural land and warning not to do any agricultural activities in the land belong to him admeasuring 2 acres 05 guntas in sy.no.856/A situated at Nellipaka village of Aswapuram mandal of Khammam district and addressing a letter, dated 8.8.2015 to the respondent no.6 asking him to furnish a report, who is the actual owner of the said land, even though the petitioner had already filed a suit for perpetual injunction in O.S.No. 13 of 2015, on the file of the Hon'ble Principal Junior Civil Judge at Kothagudem, Khammam district, and even though the petitioner is in peaceful possession and enjoyment of the said extent of the land as per the pahanies issued by the respondent no.6, is nothing but arbitrary, illegal, null and void and also violative of Articles 14, 19, 21 and 300-A of the Constitution of India and also abuse of the powers vested on the respondent no.4. consequently, direct the respondent no.4 not to interfere in any manner in peaceful possession and enjoyment of the petitioner over his agricultural land admeasuring 2 acres 05 guntas in sy.no.856/A situated at Nellipaka village of Aswapuram mandal of Khammam district and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

2. When the matter is called today, written instructions dated 31.08.2015, furnished by the Sub Inspector of Police, Ashwapuram Police Station, Khammam 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 one Veeraiah/the

petitioner herein and one Thalluri Panchankshraiah have land disputes with regard to the land an extent of 2 acres 05 guntas in sy.no.856/A situated at Nellipaka village of Aswapurum mandal of Khammam district, and both are approached the respondent police on 08.08.2015 for lodging complaint against each others, hence the respondent police made G.D. entry.

It is further submitted that the respondent police after receiving the same the respondent police advised the petitioner to approach concerned appropriate court while the matter is civil in nature, and made requisition to the Tahsildar Asapuram vide C.No.78/Inspr-P2/2015 with a request to furnish the details of the above said land. Hence the interfering of the respondent police does not arise while the matter is civil in nature. Hence the respondent police never interfere in to the petitioner's civil disputes hence, allegations made against the respondent police are false, baseless and denied.”

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, writ petition stands disposed of, by recording the written instructions dated 31.08.2015, furnished by the Sub Inspector of Police, Ashwapuram Police Station, Khammam 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

04th September, 2015
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