

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.8422 of 2015

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ORDER:

Heard.

The grievance of the petitioner is that in spite of complaint, dated 19-02-2015 against respondents 4 to 7, no action is taken by respondents 2 and 3. The petitioner has also sought police protection for erecting fencing around the property claimed in the writ petition, but respondents 2 and 3 are not taking any action even on that request.

When this writ petition was heard initially on 27-03-2015, it was noticed that the petitioner's complaint, dated 19-02-2015 was addressed to the Superintendent of Police, Tirupati, but no acknowledgment was found on record. Hence, the petitioner was permitted to make appropriate application/complaint before the 3rd respondent and the 3rd respondent was thereafter directed to look into the grievance of the petitioner and take appropriate decision within a week of filing of such application/complaint.

Learned Government Pleader has received instructions, which state that the son of the petitioner lodged a complaint against respondents 4 to 7 on 06-04-2015 and that the 3rd respondent registered a case in Cr.No.19 of 2015 for the offences punishable under Sections 447, 427, 323 and 506 read with 34 IPC and the investigation is taken up. It is also stated that there appears to be a civil suit in O.S.No.187 of 2014 pending between the parties before the V Additional District Judge, Tirupati, in which the civil court has granted injunction restraining the parties from alienating the suit schedule property vide orders in I.A.No.295 of 2014, dated 25-08-2014. It is also stated that the 4th respondent has filed an application in I.A.No.296 of 2014 seeking injunction against the petitioner and the same is posted for hearing on 27-04-2015. The 3rd respondent, therefore, states that in view of civil court being seized of the suit and the injunction application, which are likely to be

heard shortly, the respondent police cannot act, as the issue is pending before the civil court.

Since the crime is already registered on the complaint of the petitioner, the further direction as to protection as sought for by the petitioner cannot therefore be considered and the same would depend upon the orders of the civil court in the aforesaid I.A.No.296 of 2014.

The writ petition is, therefore, disposed of permitting the petitioner to approach the 3rd respondent afresh subject to orders of the civil court.

The miscellaneous petitions, if any, pending in this writ petition shall stand closed.
No order as to costs.

VILAS V.AFZULPURKAR, J

Date: 17-04-2015

Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

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17-04-2015