

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF APRIL
TWO THOUSAND AND FIFTEEN
PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.15498 of 2012

BETWEEN

Sri Rayapureddi Srinivasa Rao.

... PETITIONER

AND

S.H.O, V Town Law & Order Police Station, Kancharapalam Visakhapatnam
and another.

...RESPONDENTS

The Court made the following:

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ORDER:

The prayer of the petitioner in this writ petition is that the first respondent is attempting to dispossess the petitioner from 400 sq. yards of vacant site covered by compound wall in Sy.No.120 of Karasa, Marripalam, Visakhapatnam and interfering with the civil dispute between the petitioner and the second respondent.

2. Petitioner states that he has already filed a suit O.S.No.1519 of 2010 against the second respondent for permanent injunction and obtained a decree dated 14.06.2011, which is stated to have attained finality. Petitioner states that the second respondent has involved the first respondent and through the first respondent is attempting to dispossess the petitioner.

3. When this writ petition was heard initially on 25.05.2012, this Court noticed the decree obtained by the petitioner and granted interim direction to the first respondent not to dispossess the petitioner from the subject property pending disposal of the writ petition. Subsequently, the learned Assistant Government Pleader filed a counter on behalf of the first respondent and a vacate stay petition has also been filed by the second respondent.

4. So far as the first respondent is concerned, it is stated that on a private complaint filed by the second respondent a case in Cr.No.725 of 2009 was registered against the petitioner before the V Town Police Station, Visakhapatnam and in connection with the said case, petitioner was arrested on 16.12.2009 and later a charge sheet was also filed and the case is presently pending trial in C.C.No.244 of 2010 before the II Metropolitan Magistrate, Visakhapatnam. It is specifically stated in the counter that *'Except the above case, no fresh case is reported or registered against the petitioner herein on the file of V Town Police Station, Visakhapatnam. I humbly submit that the petitioner is not at all required in any case ...'*.

5. Second respondent also filed counter denying the allegation that the petitioner is absolute owner of the aforesaid property and it is stated that after coming to know of the *ex parte* decree, the second respondent has filed a private complaint, which is take on file and it is pending in the CC aforesaid. Second respondent also states that he has filed O.S.No.150 of 2012 before the II Additional Junior Civil Judge, Visakhapatnam for permanent injunction

against the petitioner with regard to property admeasuring 350 sq. yards with D.No.58-9-15/1 situated in Sy.No.120, Marripalem, Karasa, Visakhapatnam and there is subsisting injunction in force in favour of the second respondent. The second respondent, therefore, opposed the entitlement of the petitioner.

6. It is evident from the above that the grievance of the petitioner is only against the first respondent in attempting to dispossess the petitioner. Since the counter affidavit of the first respondent, extracted above, clearly shows that except registering Cr.No.725 of 2009, investigating it and filing charge sheet, petitioner is not required in any other case and no fresh is reported or registered against the petitioner. The civil dispute between the petitioner and the second respondent is a matter, which has to be resolved by the civil Court and the first respondent has no role to play, as such, he shall not take any steps so as to interfere with the civil dispute between the petitioner and the second respondent. Hence, no further direction is called for.

The writ petition is accordingly disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

April 17, 2015
DSK

VILAS V. AFZULPURKAR, J