

**THE HON'BLE SRI JUSTICE A.V. SETHA SAI**

**WRIT PETITION No.24259 of 2015**

**ORDER:**

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

*“to issue writ of mandamus to declare the action of the respondent No.1 in interfering in the civil disputes and trying to dispossess the petitioner and helping the Land Grabber respondent No.6 for illegal, encroachment at plot No.4 admeasuring 303.3 sq.yards or 253.3.sq.meters in survey No.125/5 House Bearing Municipal No.8-3-229/V/S4 situated at Ward No.9 Block B Venkatagiri colony, Yousufguda, Hyderabad Telangana State as illegal, and unconscionable and without jurisdiction of law and also violation of Article 21 & 300A of the Constitution of India and subsequently direct the respondent No.1 to 5 not to dispossess the petitioner from the plot No.4 and not to interfere in the Civil disputes between the petitioner and the respondent No.6 forthwith.”*

Heard Sri Y. Balaji Vadera, learned counsel for the petitioner and learned Government Pleader for Home for respondents, apart from perusing the material available before this Court.

Today, when the matter is called, written instructions, dated 05-08-2015 furnished by the Sub-Inspector of Police, Jubilee Hills Police Station, Hyderabad have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“The petitioner herein had approached the Police of Jubilee Hills Police Station, Hyderabad City and lodged” a complaint with it on 31.7.2015. He is the registered CiPA holder of the owner Smt.N.Seetharambai for the property bearing Municipal

No.8-3-229/V/S-4 admeasuring 303.3 sq.yards in Sy.No.403/6, New Sy.No.120/5 corresponding to Town Survey No.3/2 in Ward No.9, Block "B" (Old) at Venkatagiri, Yousufguda, Shaikpet village and Mandal, Hyderabad. That one Mr.G.Murali Gud and his sons tried to interfere with their lawful possession of the above said property , for which a suit in O.S.No.1643/2015 was also filed on the tile of the Hon'ble Court of V Junior Civil Judge, CCC, Hyderabad and obtained injunction orders in I.A.No.151 of 2015 restraining Mr.Murali Goud and his sons from interfering with the said property. Hence, he requested the police to provide police protection and also to retrain the said G.Murali Goud and his sons from interfering with the above said property.

Upon receipt of the said petition, immediately an entry was made into the stationJeneral\_diaj7 on 31.7.2015 itself stating that after conducting preliminary enquiry into the petition, action will be taken.

Similarly, one Mr.G.Murali Goud (6 respondent herein) had approached the Police of Jubilee Hills Police Station, Hyderabad and lodged a complain with it on 31.7.2015 stating that Mr.Ismail Hussain sold the house in the name of his son Imtiaz Hussain plots No.8-3-229/V/S3 and 8-3-229/V-S4 300 sq.yards each in the year 2009 to him and hence he constructed a compound wall and arranged two gates and dug two bores in the said plots. It came to learnt that the dispute of said two plots were in the Hon'ble Court and hence he requested Mr.Ismail Hussain to return the money, for which the said Hussain is causing troubles to him and there is every chance that Mr.Ismail Hussain and his son Imtiaz Hussain are trying to encroach into their plots and his life is in danger from their hands and hence requested the police to take necessary action as per law.

Upon receipt of the said petition, immediately an entry was made into the station general diary on 31.7.2015 itself stating that after conducting preliminary enquiry into the petition, action will be taken.

In the preliminary enquiry, it is clearly revealed that for the subject plots in question, the petitioner herein filed a Civil Suit in O.S.No. 1643/2015 against the 6th respondent herein and obtained injunction orders against him. Since the dispute is pending before the Hon'ble Court and both the complaints appeared to be civil in nature, immediately, this respondent advised both the parties to seek their in a competent civil court. But, no action whatsoever was taken on those complaints.

I humbly submit that both the petitioner as well as the 6<sup>th</sup> respondent approached this respondent police and lodged complaints against each other. Since their dispute is purely civil in nature, this respondent suggested them to seek their redressal in a competent court of law.

I humbly submit that the allegations of the petitioner that on 27.7.2015 the respondent No.6 and his three sons and

other gundas were tried to dispossess the petitioner from his property with the help of the Sub Inspector of Police, Mr.Guruswamy, immediately the petitioner produced ad-interim injunction order along with all the original documents before the 1st respondent but the Sub Inspector of Police abused him in filth language (as mentioned in the affidavit) and the said Sub Inspector also warned the petitioner, to vacate the Plot No.4 and handed over the same to the 6th respondent and the respondent No.1 Mr.Guruswamy (Sub Inspector of Police) colluded with the 6th respondent and is trying to dispossess the petitioner from the petitioner's property and the said Sub Inspector of Police is involving in civil disputes illegally and trying to do the favour to the land grabber/6th respondent and the 6th respondent with the help of the said Sub Inspector of Police is trying to dispossess the petitioner from the subject property in question and is trying to park the unused vehicles and dump the waste material in the petitioner's property with the help of the 1<sup>st</sup> respondent Sub Inspector of Police are absolutely false, baseless and hence denied.

I humbly submit that this respondent police never interfered with the subject property of the petitioner herein. I humbly submit that mere receipt of the complaints and after conducting enquiry and suggesting the both the parties to seek their redressal in a competent court of law, does not amounting to the interference of the respondent police into the civil disputes. Having bore grudge against the 6<sup>th</sup> respondent herein and to settle his personal scores, the petitioner made baseless allegations against respondent No.1 herein. All the allegations are made in the affidavit are invented and exaggerated for the purpose of filing the writ petition.”

On noticing the said instructions, learned counsel for the petitioner has requested this Court to record the said instructions and close the writ petition.

In view of the above, the writ petition is closed, by recording the written instructions, dated 05-08-2015 furnished by the Sub-Inspector of Police, Jubilee Hills Police Station, Hyderabad.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. There shall be no order as to costs.

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**A.V. SETHA SAI, J**

August 06, 2015

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**THE HON'BLE SRI JUSTICE A.V. SETHA SAI**

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