

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

W.P.No.21596 of 2015

O R D E R:

This writ petition is filed under Article 226 of the Constitution of India for the following relief –

“ This Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent pressuring the petitioner not to construct his house bearing D.No.14-3-443/1, Rayadurg Municipality Assessment No.106005981 (12108 (old)) admeasuring East-West 60 feet and North-South 20 feet at Rayadurg, Anatapur District during pendency of the Civil Case O.S.No.119 of 2014 on the file of the Junior Civil Judge, Rayadurg and interfering with personal liberty of the petitioner without any legal cause as illegal, arbitrary and violation of Article 19 & 21 of the Constitution of India and consequently direct the 2nd respondent to forbear from interfering with the personal liberty of the petitioner and his family members not to interfere with the civil disputes and pass such other order or orders as this Honb'e Court may deem fit and proper in the circumstances of the case.”

When the matter is taken up for consideration, written instructions dated 27.7.2015 furnished by the Station House Officer, Rayadurg Police Station, Anantapur District has been placed on record by the learned Government Pleader for Home and the relevant portion of the same reads as under :

“ The facts of the case are that on 28.6.2015 the 2nd respondent-Station House Officer, Rayadurg Police Station, Anantapur District received a phone call stating that a mob around 100 people gathered and a galata was going on in front of the house of the petitioner herein. Basing on the said information the 2nd respondent Station House Officer, Rayadurg Police Station, Anantapur District sent police constable to the said site and it revealed that the Muslim Community people obstructed the petitioner herein not to construction house at the site, as the said site belongs to Wakf Board. As the

matter relates to civil in nature, hence the police disbursed the mob and further directed the parties to approach the Hon'ble Civil Court for redressal.

It is respectfully submitted that the contention of the petitioner that the 2nd respondent-Station House Officer, Rayadurg Police Station, Anantapur District interfered with the construction of the petitioner's house bearing D.No.14-3-433/1, Rayadurg Municipality during the pendency of O.S.No.119/2014 on the file of the Hon'ble Junior Civil Judge, Rayuadurg is false, hence denied. It is incorrect to say that on 28.6.2015 at the instance of the respondents 4 and 5 the respondent police tried to stop the construction activities of the petitioner's house, threatened to withdraw the civil suit, abused in filthy language and threatened with dire consequences, hence denied.

It is submitted that after going through the contents of the affidavit and the material papers filed in support of the writ petition it revealed that there was a civil dispute between the petitioner and the 4th respondent/D.H.Ibrahim Khan with regard to the above said land and further the petitioner herein also filed O.S.No.119/2014 on the file of the Hon'ble Junior Civil Judge, Rayadurg, for which the respondent police nothing to do with it. The petitioner unnecessarily involving the police into the said litigation.

The writ petition devoid of merits and liable to be dismissed."

Noticing the said instructions, learned counsel for the petitioners requests to dispose of the writ petition by recording the above written instructions dated 27.7.2015 furnished by the Station House Officer, Rayadurg Police Station, Anantapur District.

In view of the above, the writ petition stands disposed of by recording the above written instructions dated 27.7.2015 furnished by the Station House Officer, Rayadurg Police Station, Anantapur District. Miscellaneous applications, if any pending in the writ petition, shall stand closed. No costs.

A.V.SESHA SAI, J

Kk/ Date:29.9.2015

HONOURABLE SRI JUSTICE A.V.SESHA SAI

W.P.No.21596 of 2015

29.9.2015