

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.15459 of 2013

ORDER:

This writ petition is filed seeking to declare the action of respondents 3 & 4 in interfering with the peaceful possession and enjoyment of the petitioner in D.No.9-76-110, I Town, Kothapeta, Nehru Bomma Centre, to an extent of 40 square yards in Shop No.13, as illegal and arbitrary.

Heard and perused the material available on record.

The case of the petitioner is that the petitioner is the tenant in the D.No.9-76-110, I Town, Kothapeta, Nehru Bomma Centre, to an extent of 40 square yards in Shop No.13 and running business under the name and style of M/s.Balaji Tea and Snacks. The 5th respondent is the step brother of the petitioner and he is no way concerned with the business of the petitioner and from the beginning, the 5th respondent is trying to interfere with the subject property. The 5th respondent has given a false complaint to the 4th respondent and a case was registered against the petitioner and on such complaint, respondents 3 & 4 are restraining the petitioner to conduct business and forced the petitioner to hand over the subject property to the 5th respondent and aggrieved by the same, the wife of the petitioner has given a complaint to the 4th respondent under Sections 448, 427, 354 & 506 IPC and the same has been registered. On 17.05.2013, respondents 3 to 5 came to the shop of the petitioner and asked him to vacate the premises immediately. The main grievance of the petitioner is that respondents 3 to 5 are interfering with the peaceful possession and enjoyment of the petitioner in the subject property.

Learned Assistant Government Pleader for Home submitted that on the complaint given by the wife of the petitioner, case is registered by the

respondent police and, therefore, the question of interference by respondents 3 & 4 with the petitioner's possession does not arise.

Considering the grievance of the petitioner, respondents 3 & 4 are directed not to interfere with the affairs of the petitioner and the 5th respondent, more particularly, with the civil disputes pending between them. However, this order will not stand in the way of respondents 3 & 4 to register a case, if any complaint is lodged against the petitioner for cognizable offence.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 7th November, 2016

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