

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-

WRIT PETITION No.37284 of 2015

ORDER:

The prayer of the petitioners in this case is as under:

“For the reasons stated in the accompanying affidavit the above named petitioners pray that 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 respondent police 2 to 6 in interfering with the peaceful possession of the petitioners property consisting of Plots bearing Nos.24, 25, 26, 27, 28, 29, 30, 31, 40, 41, 42, 43, 44 and open land admeasuring 400 Sq. Yards, 337 Sq. Yards and 1044 Sq. Yards respectively total admeasuring 4905 Sq. yards situated in Sy.No.127 part and 128, of Gopanapalli Villae, Serilingampally Mandal, Ranga Reddy District, despite the injunction order in I.A.No.298 of 2015 in O.S.No.661 of 2015 dated 7.7.2015 on the file of XV Additional District Judge, Ranga Reddy, and I.A.No.542 of 2015 in O.S.No.1129 of 2015 dated 28.10.2015 on the file of XIII Additional District Judge at Ranga Reddy at the instigation of respondent Nos.6 to 9 as illegal and arbitrary and direct the respondent police not to interfere over the petitioners property consisting Plots bearing Nos.24, 25, 26, 27, 28, 29, 30, 31, 40, 41, 42, 43, 44 and open land admeasuring 400 Sq. Yards, 337 Sq. Yards and 1044 Sq. Yards respectively total admeasuring 4905 Sq. yards situated in Sy.No.127 part and 128, of Gopanapalli Villae, Serilingampally Mandal, Ranga Reddy District, and pass such other order or orders as this Hon'ble Court may deem fit and proper.”

The Station House Officer, Gachibowli Police Station, Cyberabad, filed a counter-affidavit furnishing the details of the cases registered against the third petitioner. It appears that a final report was also filed in one of the cases. One case being Crime No.313 of 2015 on the file of Gachibowli Police Station registered under Sections 447, 427 and 506 I.P.C. read with Section 34 I.P.C. and under Section 3 (i) (x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, is stated to be pending investigation.

In the light of the aforestated counter, there shall be a direction to the police authorities not to interfere with the life and liberty of

petitioner Nos.1 and 2 and insofar as the third petitioner is concerned, they shall strictly abide by the due procedure laid down by the Code of Criminal Procedure, 1973, while conducting investigation and taking appropriate action thereafter.

The writ petition is disposed of with the above directions.

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

SANJAY KUMAR, J

Date:27.01.2016

GJ