

***THE HON'BLE SRI JUSTICE SANJAY KUMAR***

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**WRIT PETITION No.42414 of 2015**

**ORDER:**

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

“The Hon’ble Court may be pleased to issue a Writ of Mandamus or any other appropriate writ, or order, or direction in the nature of a Writ, declaring the action of the respondents in interfering with the possession and enjoyment of the petitioners with respect to the premises bearing D.No.1-16-2, 6<sup>th</sup> Lane, SVN Colony, Guntur – 522006 as highly arbitrary, illegal, without authority and jurisdiction and violative of their fundamental rights guaranteed under the Constitution of India and consequently direct the Respondents not to interfere with the possession and enjoyment of the petitioners with respect to the premises bearing D.No.1-16-2, 6<sup>th</sup> Lane, SVN Colony, Guntur – 522006 and pass such other order or orders as this Hon’ble Court may deem fit just and proper in the circumstances of the case.”

By order dated 30.12.2015, this Court granted interim orders directing the police authorities not to exceed their authority and interfere with any aspect of civil litigation or subject the petitioners to harassment in the context thereof.

The Inspector of Police, Pattabhipuram Police Station, Guntur, filed a counter-affidavit stating that upon the complaint made by one Akkana Pragada Panaga Kumar against the petitioners and others, Crime No.2 of 2016 had been registered on the file of the Pathabhipuram Police Station under Sections 420, 468, 471, 120-B and 506 I.P.C.

In the light of the F.I.R. registered against the petitioners, the police authorities would necessarily have to examine and interrogate them in the context of the investigation undertaken by them. However, the police authorities shall strictly abide by the procedure prescribed in this regard under the Code of Criminal Procedure, 1973. Further, they would also have to be conscious of the fact that they have no role to play in civil litigation and would act accordingly.

The writ petition is disposed of in terms of the aforestated directions.

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

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**SANJAY KUMAR, J**

Date:16.02.2016

GJ