

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.35644 of 2016

ORDER:

This writ petition under Article 226 of the Constitution of India is filed seeking to declare the action of the 1st respondent in interfering with the civil dispute in respect of the joint path way which is the subject matter of O.S.No.59 of 1995, on the file of the Junior Civil Judge (erstwhile District Munsiff Court), Jaggaiahpet, Krishna District.

Heard and perused the material available on record.

The case of the petitioner is that the petitioner has filed O.S.No.59 of 1995, on the file of the Junior Civil Judge Court (District Munsiff Court) at Jaggaiahpet, for permanent injunction restraining the defendants therein namely Gutta Venkata Narasaiah and Gutta Gangaiah, belonging to the village of the petitioner, from interfering with his right of passage through the ABCD joint path way. While so, the said suit was decreed, dated 08.07.1996, *inter alia* by observing that both the parties have equal rights of enjoyment in the said joint path way which is four yards in width and the said judgment has become final.

The grievance of the petitioner is that the 1st respondent is interfering with the civil dispute in respect of the joint pathway which is the subject matter of O.S.No.59 of 1995, on the file of the Junior Civil Judge Court (District Munsiff Court) at Jaggaiahpet, Krishna District, and that continuously the petitioner was asked to come to the 1st respondent Police Station by its police constables on the pretext of resolving the issue relating to the joint passage by the 1st respondent.

Considering the grievance of the petitioner, the 1st respondent is directed not to interfere with the affairs of the petitioner and the defendants in O.S.No.59 of 1995, more particularly, with the civil disputes pending between them. However, this order will not stand in the way of the 1st respondent 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: 21st October, 2016

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