

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.16138 of 2013

ORDER:

This writ petition is filed seeking to declare the action of the 1st respondent in interfering with the petitioner's peaceful possession and enjoyment of property, situated in an extent of Ac. 0.12 cents in Survey No.327 and Patta No.571 of Bheesettivari Veedhi, Nagulapalli Village, Munagapaka Mandal, Sabbavaram, Visakhapatnam District, at the behest of respondents 5 and 6, as illegal and arbitrary.

Heard and perused the material available on record.

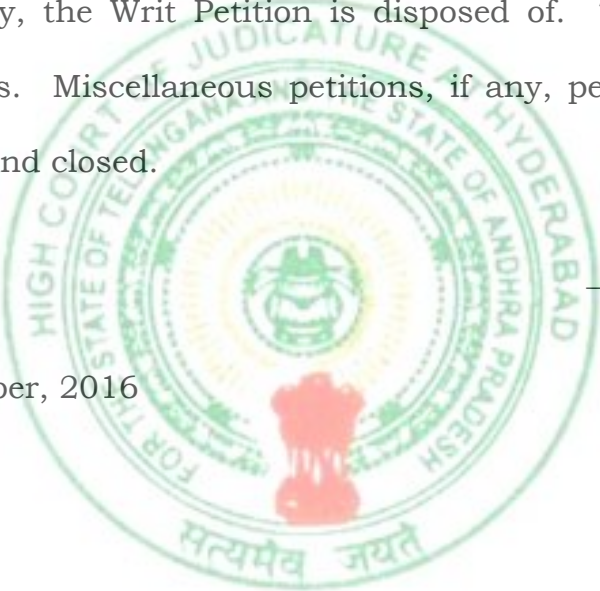
The case of the petitioner is that originally the subject property was purchased with ancestral funds in the name of the petitioner's husband and as the petitioner's husband used to harass the petitioner and children with the instigation of the petitioner's sister-in-law, when the petitioner raised dispute before the elders, the husband agreed to transfer the property in the name of the petitioner and executed a registered gift settlement deed, dated 04.11.2016, and since then, the petitioner is in exclusive possession and enjoyment of the house and vacant site. The main grievance of the petitioner is that the sister-in-law of the petitioner created false and fabricated gift deed in respect of Ac. 0.06 cents of land out of Ac. 0.12 cents of land and basing on the said gift deed, the petitioner's sister-in-law and her husband tried to dispossess the petitioner from the subject property and that the 1st respondent, believing the words of respondents 5 & 6, called the petitioner and her son to the police station and threatened her to deliver Ac. 0.06 cents of land to respondents 5 and 6 or otherwise, the 1st respondent would take them into their custody and foist false criminal cases.

Learned Assistant Government Pleader for Home submitted that the 1st respondent is not intending to interfere with the civil disputes.

Considering the circumstances of the case, without expressing any opinion on merits, the Writ Petition is disposed of with the following direction:

The 1st respondent is directed not to interfere with the affairs of the petitioner and respondents 5 & 6, 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. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.



RAJA ELANGO,J

Date: 7th November, 2016

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