

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.10711 OF 2016

ORDER

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

‘For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue a writ of mandamus or any other appropriate writ or direction declaring the action of the 3rd respondent in interfering in the civil disputes between the petitioner and the 5th respondent as illegal and consequently direct the 3rd respondent not to interfere in the civil disputes and pass such other or further orders as the Hon’ble Court feels deem fit and proper in the facts and circumstances of the case.’

The Inspector of Police, Kurnool I Town Police Station, Kurnool District, filed a counter-affidavit, wherein he stated as under:

‘3. It is submitted that prior to one week of 31.03.2016, Shaik Nooruddin and M. Ameeruddin s/o Shamshuddin, r/o H.No.10/95, Masumbasha Dargah street, Kurnool town came to PS and presented a written complaint in which they stated that Shamshuddin has expired on 01.03.1993 surviving three sons and two daughters of progeny. Of them, late Ajeemuddin is elder one, M. Ameeruddin is second one and M. Zaheeruddin is younger. During life tenure Shamshuddin did not partition his assets to anybody. After demise of Shamshuddin whose younger son M. Zaheeruddin has been lonely enjoying the assets without partition to the rest of his brothers. Though the respondent No.5 M. Ameeruddin of W.P No.10711/2016 and Shaik Nooruddin used to ask the petitioner M. Zaheeruddin who fell his deaf ears and warned them that he is only heir to that property, he cannot partition the same to anybody. Further the petitioner M. Zaheeruddin warned with evil that if they ask often about the property share, he would make harm against them. Further, Shaik Nooruddin and M. Ameeruddin s/o Shamshuddin requested to take necessary action against M. Zaheeruddin and do justice to their favorably.

4. It is submitted that basing on the above complaint the petitioner W.P No.10711/2016 has been called to PS and on

enquiry about the issue, knowing the issue is civil in nature both the parties were advised to approach the civil court to pacify the matter.'

The aforestated stand of the police authorities is taken on record.
In the light thereof, no adjudication is warranted on merits.

Ms. Avani Reddy, learned counsel representing Sri O.Manohar Reddy, learned counsel for the petitioner, is also agreeable to closure of the case recording the stand of the police authorities.

The writ petition is closed. Pending miscellaneous petitions shall also stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

28th APRIL, 2016

Svv