

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.37728 of 2015

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 High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus directing the 2nd Respondent not to interfere in Petitioner's house building Construction work, in plot No.10, admeasuring 174.00 Sq.yards in Sy.No.174 &175, situated at Nizampet (V), Quthbullapur (M), Ranga Reddy District and by declaring their arbitrary action is being illegal, highhanded and violation of Articles 14, 21 and 300-A of the Constitution of India and pass such other further order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.”

The Station House Officer, KPHB Police Station, filed a counter-affidavit stating that the unofficial respondent lodged a complaint in November, 2015, against the petitioner but, upon making an entry in the General Diary and causing due enquiry, the police authorities found that the matter was purely civil in nature. According to the Station House Officer, the unofficial respondent was advised to seek redressal of his grievance before the competent Court and no case was registered by the police authorities. The Station House Officer further stated that in the absence of registration of any case, the question of the police authorities summoning the petitioner to the police station did not arise. He also denied the allegation of the petitioner that the police authorities interfered with his construction activity.

The unofficial respondent filed a separate counter-affidavit, wherein he stated that he had caused stoppage of the construction activity and that the police had nothing to do with it.

Though reply-affidavits were filed by the petitioner in response

to the above counter-affidavits, this Court finds that no grounds are made out to entertain this writ petition. The police authorities categorically denied interference in the matter and, on the other hand, the unofficial respondent claimed that he alone interfered with the construction activity and that the police authorities had no role to play.

In that view of the matter, the writ petition is dismissed leaving it open to the petitioner to workout his remedies against the unofficial respondent in accordance with law.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

17th March, 2016
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