

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.11077 of 2012

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ORDER:

This Writ Petition is filed for the following relief:

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon'ble Court may be pleased to issue a writ order or direction more particularly a Writ in the nature of Mandamus declaring the action of the 3rd Respondent in interfering with the possession of the Petitioner under the influence of the 4th Respondent, over the premises bearing No.1-4-460, admeasuring 238.88 sq.yards situated at Bholakpur, Musheerabad, Hyderabad as arbitrary, illegal and without jurisdiction and violative of Articles 14 and 19(1)(g), 21 and 300A of the Constitution of India and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of Justice.”

When the matter is called today, written instructions, dated 04.02.2016 furnished by the Sub-Inspector of Police, Musheerabad Police Station, Hyderabad City, have been produced before this Court by the learned Government Pleader for Home. The said instructions read as under:

“It is respectfully submitted that as per the records, it is revealed that on a complaint of the petitioner herein lodged with the Police of Musheerabad Police Station, Hyderabad City, a case in Cr.No.144/2012 U/secs.448, 506 IPC was registered on 19.4.2012 against Mr. Naveed Ahmed-4th respondent herein as he was interfering and trespassing into the peaceful possession and enjoyment of the premises No.1-4-460, admeasuring 238.88 sq.yards situated at Bholakpur, Musheerabad.

Since there is no evidence at all against the accused-4th respondent herein, the investigating officer closed the case long back as “Lack of Evidence” after obtaining permission from the higher-ups.

It is respectfully submitted that except

registration of the above criminal case that too, on the complaint of the petitioner herein and proceeding with the investigation of the case as contemplated under, this respondent police never interfered with the subject property of the petitioner herein.

I humbly submit that the allegation of the petitioner that on 31.3.2011 when one Sri Sarma was carrying on the works at the premises, this respondent sent constables under the influence of the 4th respondent herein and the said constables took Sri Sarma to the police station and detained him in the police station for about 2 hours and also instructed him not to enter the premises and that this respondent acted under the influence of the 4th respondent and is threatening the petitioner and his workers not to carry out any repairs of the said premises is absolutely false, baseless and hence the same is denied.

It is pertinent to submit that no complaint whatsoever was received from the 4th respondent herein against the petitioner herein. I humbly submit that prima facie the dispute of the petitioner as well as the 4th respondent herein is purely civil in nature and hence this respondent police has nothing to do with it.

I humbly submit that at no point of time, this respondent interfered with the subject property in question and never acted under the influence of the 4th respondent herein.”

It is submitted by the learned counsel for the petitioner that in view of the said written instructions, no further adjudication is necessary in this Writ Petition.

Accordingly, the Writ Petition stands disposed of by placing on record the written instructions, dated 04.02.2016, furnished by the Sub-Inspector of Police, Musheerabad Police Station, Hyderabad City.

Consequently, Miscellaneous Petitions, if any pending in this Writ Petition shall stand closed. No order

as to costs.

A.V.SESHA SAI, J

8th FEBRUARY, 2016.

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