

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 18168 of 2016

ORDER:

-

The present Writ Petition came to be filed with the following prayer:

“Issue writ of mandamus declaring the action of respondent No.4 in interfering with the civil dispute pending between the petitioner and respondent No.5 and causing demolition of the shed existing in the house site of the petitioner admeasuring 155 suqare yards in R.S.No.755/2B of Nuzvid Town and Mandal, Krishna District and the consequent action of respondent Nos.2 to 5 in trying to dispossess the petitioner from her house site, as illegal, arbitrary and violative of Article 14 of the Constitution of India; and consequently direct respondent Nos.1 to 4 not to interfere with the civil disputes in respect of the above said property.”

Learned counsel for the petitioner mainly submits that in view of pendency of O.S.No.9 of 2016 on the file of the Senior Civil Judge, Nuzvid, which was filed by respondent No.5 seeking declaration of title and consequential injunction, the respondent-police ought not to have interfered with the civil disputes between the parties and cause damage to the property.

Learned Standing counsel for respondent No.5 submits that the petitioner has no right over the property and the same belongs to the Municipality. He further submits that a shed was raised over night only with a view to obtain appropriate orders from the civil Court.

The Government Pleader for Home states that even as per

the averments in the affidavit filed in support of the writ petition, the police have only accompanied the staff of the municipality and the allegations made against them are all false.

Since the grievance of the petitioner is with regard to interference of the police, the present writ petition disposed of directing respondent Nos.2 to 4 not to interfere with the civil dispute which exists between the petitioner and respondent No.5, except in accordance with law or on an order passed by any appropriate Court pursuant to an application made by any of the parties. Learned counsel for the petitioner undertakes that the petitioner will not raise any construction in the disputed property till the disposal of I.A.No.57 of 2016 in O.S.No.9 of 2016. No order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand dismissed.

**JUSTICE C. PRAVEEN
KUMAR**

09.06.2016

Note: Issue C.C. by Tuesday.

B/o

gkv