

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44912 OF 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“... declaring the action of the 3rd respondent in calling the petitioner and his brothers to the police station at the behest of Respondent Nos.4 and 5 and threatening to handover the open land in Sy.No.493 and 494 situated at Attapur village, Rajendranagar Mandal, R.R.District, to them during the pendency of the civil suit O.S.No.83/2014 and subsistence of the injunction orders granted in I.e.304/2014 dt.2-7-2014 on the file of the Addl.Junior Civil Judge at Rajendranagar, as being illegal, arbitrary and unconstitutional and consequently direct the 2nd respondent herein to take action against 3rd respondent in accordance with law.”

2. In the affidavit filed in support of the petition, it is stated that the petitioner and his two brothers are absolute owners and possessors of aforesaid land having acquired the same by virtue of registered Will Deed in the year 2003 executed by his grand father late P.Narasimha Reddy. As the unofficial respondents without any manner of right, title, claim or interest over said property, the petitioner filed O.S.No.83 of 2014 on the file of Additional Junior Civil Judge, Rajendranagar and the learned Judge granted ad-interim injunction on 02.07.2014 in I.A.No.304 of 2014 and the said interim is subsisting as on today. Having failed to succeed their attempts to grab the property of the petitioner, influenced the 3rd respondent, who in turn by misusing his official power, called the petitioner and his brothers to police and abused them in filthy language and

threatened to handover the land, otherwise he would implicate them in a false criminal case.

3. Heard and perused the material available on record.

4. Learned counsel for the petitioner would submit that the 3rd respondent is interfering with the civil disputes pending between the petitioner respondents 4 and 5; that the petitioner has already filed civil suit and obtained ad-interim injunction order; that though the injunction order is in favour of the petitioner, respondent No.3 is calling the petitioner and his brothers to police station and threatening them to settle the civil dispute pending in between the petitioner and respondents 4 and 5.

5. Learned Assistant Government Pleader for Home denied the entire allegations and submitted before this Court that the petitioner was never called to the police station by respondent No.3 and respondent No.3 will not interfere in any of the civil disputes pending before the petitioner and respondent Nos.4 and 5.

6. Considering the rival contentions, this Court is of the view that the writ petition can be disposed of with the following direction:

Respondent No.3 is hereby directed not to interfere in any of the civil disputes pending between the petitioner and respondent Nos.4 and 5. At the same time, the present order will not stand in the way of respondent No.3 to proceed with the investigation if

any complaint is registered against the petitioner for a cognizable offence.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

8. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

22.12.2016
YVL



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Date: 22.12.2016

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