

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 37745 of 2015

ORDER:

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

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue a Writ of mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents 3 to 6 in interfering with the petitioner’s peaceful possession and enjoyment in an extent of Ac.8-42 cents in Sy.No.248/1(248-1P1), Gundlakunta Village, Peddamudiyam Mandal, YSR5 Kadapa District, as illegal, arbitrary and mala fide and further direct the Respondents 3 to 6 not to interfere with the Petitioner’s peaceful possession and enjoyment over the property to an extent of Ac.8-42 cents in Sy.No.248/1 (248-1P1), Gundlakunta Village, Peddamudiyam Mandal, YSR Kadapa District, and pass such other order or orders as may deem fit and proper in the circumstances of the case.”

2. The Inspector of Police, Jammalamadugu Rural Circle Police Station, Kadapa District, filed a counter affidavit denying the allegation of the petitioner that the police authorities interfered with her enjoyment of the land. He stated that Crime No.99 of 2015 was registered on the file of Peddamudiam Police Station under Sections 447 and 506 IPC r/w Section 34 IPC and in the context of investigation of the subject crime, the petitioner was examined as L.W.9 and she was asked to produce the relevant records pertaining to the disputed land.

3. In the light of the afore-stated unrebutted counter affidavit averments, it is not open to the petitioner to claim

immunity from interference by the police authorities once examination/interrogation is warranted in connection with a criminal investigation. However, the police authorities are bound to abide by the due procedure prescribed in this regard under the Code of Criminal Procedure, 1973.

Subject to this observation, the Writ Petition is closed. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

**JUSTICE SANJAY
KUMAR**

February 25, 2016

LMV