

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.22018 OF 2008

ORDER:

This writ petition is filed seeking to issue writ of mandamus declaring the action of the 2nd respondent in interfering in civil disputes in respect of property in Sy.No.2 & 4 of Kothaguda village, Serilingampally Mandal, R.R. District, as being illegal and arbitrary and consequently direct the 2nd respondent not to summon the petitioner or any other employee of M/s Varuna Hatcheries Pvt. Ltd., to the Police Station in connection with civil dispute in respect of property in Sy.No.2 & 4 of Kothaguda village, Serilingampally Mandal, R.R. District

2. The 2nd respondent filed counter affidavit stating as follows:

"It is respectfully submitted that the above case is pertaining to the civil dispute between the petitioner company M/s Varuna Hatcheries Pvt. Ltd., and the 3rd respondent herein. The dispute had been raised between the two parties by trespassing the petitioner's property in Sy.No.2 & 4 of Kothaguda village, Serilingampally Mandal, R.R. District by one Sri K.Vara Prasad, S/o K.Subbaiah, Legal Manager of Varuna Hatcheries Pvt. Ltd., R/o Plot No.1028, Ward No.45, Jubilee hills,, Hyderabad, lodged a complaint on 17-02-2010 stating that D.Vasanthreddy, R.Yadiah and others criminally trespassed into his plot in Sy.Nos. 2,4,11 and 12 of Kothaguda village, Serilingampally and demolished compound wall. Then this respondent registered a case vide Cr.No.98 of 2010 u/s 447,427 IPC in this issue Mr.Vasanth Reddy filed Criminal Petition NO.1494 of 2010 in the Hon'ble High Court and obtained stay of arrest. The petitioner agents filed Criminal Misc. Petition No.1735 of 2010 against the 3rd respondent relatives for illegally dumped iron sheets in the petitioners land and the same is pending before the Hon'ble Court. Thereupon the other they complained to the 2nd respondent and accordingly F.I.Rs are registered respectively. Both the parties approached the Lower Court filed a suit vide I.A.No.190 of 2010 in O.S.No.195 of 2010 buy the 3rd respondent parties and obtained injunction order which is pending in the court. That apart 6th respondent i.e., D.Vasanth Reddy therein who purchased the suit land is not a party to the suit. Hence unless it is full-fledged trial is over, the said orders cannot be considered.

It is respectfully submitted that insofar as the criminal cases are concerned, the P.S. Madhapur cannot take any action as per the Hon'ble High Court where it has granted stay of arrest and stay of further proceedings in Criminal Petition No.1494 of 2010 in Cr.No.98 of 10 u/s 447, 427 IPC stay of arrest obtained by D.Vasanth Reddy.

In reply to para No.3 of the affidavit, it is respectfully submitted that the petitioner contended that this respondent frequently summoning himself and his employees of M/s Varuna Hatcheries to the Police Station on the complaint lodged by the 3rd respondent and further stated that this respondent is involving in civil dispute and harassing them is false and baseless because this respondent never involved not interfered with the civil dispute of the petitioner and the 3rd respondent except registering the complaint made by both parties.”

3. In view of the statement made by the 2nd respondent in the counter affidavit and also keeping in view of the interim order granted by this Court on 30-09-2008 directing the 2nd respondent not to interfere with the civil disputes without following due process of law, no further orders are required to be passed in this writ petition.

4. Accordingly, the writ petition is closed. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 04-04-2016

Hsd