

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.338 of 2016

ORDER:

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

“For the reasons stated in the accompanying affidavit, the petitioners pray that this Hon'ble Court may be pleased to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the high handed action of the respondents No.3 to 6 in harassing the petitioners to withdraw the Execution Proceedings filed against immovable properties of 7th respondent for enforcement of Money Decree passed by the competent civil court as illegal, arbitrary and one without jurisdiction and to consequently direct the respondent Police Officials No.3 to 6 not to interfere with the personal liberty of the petitioners in any manner and further direct the respondent No.2 to initiate disciplinary proceedings against the respondents No.4 to 6 for misusing their officials powers to favour the 7th respondent in order to prevent the petitioner from enforcing money decree passed by the Civil Court against the 7th respondent and to pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

The Sub-Divisional Police Officer, Anakapalle Sub-Division, Anakapalle, filed a counter-affidavit contesting the petitioners' claim.

Sri V.V. Satish, learned counsel for the petitioners, would state that it would suffice in the interest of justice if the stand of the police authorities, as set out in paras 8 and 9 of the counter-affidavit, is recorded.

Paras 8 and 9 of the counter-affidavit read as under:

“It is respectfully submitted that as per my enquiry it revealed that the 4th respondent did not call the petitioners to the police station and never threatened them to forgo the money claim against the 7th respondent or else the petitioner will be implicated, hence the said allegations are

denied.

It is respectfully submitted that in my further enquiry it revealed that on 28.12.2015 the 5th respondent never threatened the petitioner to withdraw the execution proceedings or else the petitioner will be implicated in false cases, hence the allegations are denied.”

The afore-stated stand of the police authorities is duly taken on record.

In the light thereof and in view of the submission made by the learned counsel for the petitioners, the writ petition is closed.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

JUSTICE SANJAY KUMAR

11th April, 2016
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