

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.38906 of 2012

ORDER:

The complaint in the present writ petition is alleged interference of the 2nd respondent in the civil disputes between the petitioner and respondent Nos.3 to 5.

When the matter is called, written instructions furnished by the Inspector of Police, III Town Police Station, Anantapur District have been placed on record by the learned Government Pleader and the said instructions read as under:

"It is respectfully submitted that the facts of the case are that one Ms.Shakeena Shehra, D/o.N.Abdul Rahman (niece of the own daughter (second sister) of the petitioner herein) had submitted a petition to the Superintendent of Police, Anantapur District stating that she is a resident of D.No.19/91, badefat street, Dharmavaram town and her father lives on fruit business and about 12 years ago her mother by name Zareena Bhanu died in the year 2000 and after the demise of her mother, her maternal uncle G.Nurulla (the writ petitioner herein) pledged her grandmother's gold ornaments wg. 40 tulas and her mother's gold ornaments wg.18 tulas in Corporation Bank at Anantapur in the presence of her other maternal uncles namely G.Irshad, G.Zaheed Ahammed and her elder sister Akhila and took amount from the Bank and further stated that her uncle Nurulla (petitioner herein) is doing business with the said amount and he did not give any amount to them and at present her marriage

was fixed and on that she went to her uncle and requested to get release her gold ornaments which were pledged with the Bank for which her uncle told that the gold is on his name and further told that he would not give the gold to her and she could do what she desire and further stated in the petition that her uncle G.Nurulla made believed and pledged the gold ornaments in the Bank, took amount and using it for his business purpose and hence requested the authorities to get hand over the gold ornaments from his uncle (the petitioner herein) and also to take necessary action against her uncle as per law.

Upon receipt of the petition, the Superintendent of Police, Anatapur District endorsed it to the Station House Officer, III Town Police Statiion, Anatapur for necessary action.

I humbly submit that upon receipt of the petitioner, an entry was made into the General Diary and conducted preliminary enquiry into the matter. Since the dispute of the complainant Ms.Shakeena Shehra and the petitioner herein is purely civil in nature and hence immediately advised her to seek redressal in a competent civil court. But no case whatsoever is registered till date on the file of III Town Police Station, Anatapur District.

I humbly submit that on coming to knowing the lodging of the petition before the authorities, the petitioner on a precautionary measure and to prevent the police from taking any action, rushed to this Hon'ble Court and filed the present writ petition with baseless allegations.

I humbly submit that till date, this respondent did not summon the petitioner nor ask him to hand over the

subject properties to her niece who submitted a petition to the Superintendent of Police, Anantapur District.

I humbly submit that this respondent never interfered with the civil disputes muchless the dispute of the petitioner herein. Since the dispute of the complainant as well as the petitioner herein is civil in nature and hence this respondent is no way concerned with it. On mere apprehension without any cause of action, the petitioner filed the present writ petition.

Hence the writ petition is liable to be dismissed at its threshold.”

On noticing the said instructions, a request is made by learned counsel for the petitioner to place on record the said instructions and dispose of the writ petition.

For the aforesaid reasons, the writ petition is disposed of, by placing on record the above written instructions furnished by the Inspector of Police, III Town Police Station, Anantapur District. There shall be no order as to costs.

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

A.V. SESA SAI, J

October 17, 2016

Pn

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