

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

WRIT PETITION No.29048 OF 2012

ORDER:

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

“to issue a Writ or order more particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the action of the official respondents in interfering in civil disputes and insisting the petitioner to huge amounts to the 5th respondent and threatening the petitioner with dire consequences of implicating in false cases as illegal, arbitrary, unjustified and also in violation of the principles of natural justice and in violation of Article 21 of the Constitution of India and for a consequential relief of a specific direction to the official respondents not to interfere in civil disputes between the petitioner and the unofficial respondent and to pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.”

2. Heard Sri G.L.Nageswar Rao, learned counsel counsel, appearing for the petitioner and learned Government Pleaders for Home and Revenue and Sri K.Durga Prasad, learned counsel, appearing for the respondents.

3. A counter affidavit deposed by Deputy Superintendent of Police, CID, Visakhapatnam – 3rd respondent is filed and paragraph Nos.4 and 5 of the said counter read as under:

“4. It is submitted that the allegations made in the affidavit are not correct and hereby denied. It is false to state that the official respondents are interfering in civil disputes and threatening the petitioner to pay amount to the 5th respondent herein.

5. It is submitted that, the petitioner is Accused No.2 in Crime No.72/2012 u/s.420, 120(B) IPC of CID PS, AP, Hyderabad, which was registered on 24.08.2012 based on the complaint lodged by the 5th respondent herein. The case of the complainant is that, all the 3 accused made believe him that they are the owners of land admeasuring 667 sq.yds covered by Sy.No.47, 47/2 and 48/3 of Madhavadhara Village, Visakhapatnam District and sold the said land and subsequently he came to know that they are not the owners of the said land but the said land belongs to Sri Varaha Lakshmi Narayana Swamy Vari Devasthanam – Simhachalam, Visakhapatnam City. The investigation established that the subject land belongs to the Devasthanam but not belongs to the accused persons. As the offence was established against the accused including the petitioner herein, charge sheet was filed before the Court of Hon’ble Chief Metropolitan Magistrate, Visakhapatnam, vide C.C.No.44/2015, dated 17.11.2015.”

4. While referring to the above said paragraphs, it is submitted by the learned counsel for the petitioner that the averments made in paragraph Nos.4 and 5 of the counter affidavit may be placed on record and the writ petition may be disposed of.

5. Recording the said submission, Writ Petition is disposed of, by placing on record the averments made at paragraph Nos.4 and 5 of the counter affidavit deposited by Deputy Superintendent of Police, CID, Visakhapatnam.

6. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

24.10.2016
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