

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.33763 OF 2016

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed to declare the action of respondent Nos.2 to 4 in not taking any action on the complaint, dated 30.8.2016, of the petitioner as illegal and arbitrary and consequently, to direct respondent Nos.2 to 4 to register a crime basing on the said complaint and investigate into the matter and file report before the Court concerned.

2. Petitioner is the absolute owner and possessor of the property in Door Nos.16-8-191 and 192, Kaladera, Malakpet, Hyderabad and has been residing there. While so, respondent No.5 encroached into the property of the petitioner and highhandedly started construction illegally without the permission of the petitioner. The petitioner made a representation before the concerned Greater Hyderabad Municipal Corporation official on 30.8.2016 to take appropriate action, but in vain. The petitioner brought the issue of threatening and illegal construction of respondent No.5 to the notice of respondent Nos.2 and 3, but no action has been initiated by them. The main grievance of the petitioner is that respondent Nos.2 to 4 are not registering a case against respondent No.5 basing on the complaint lodged by him on 30.8.2016.

3. Heard and perused the material available on record.

4. Considering all the facts and circumstances of the case, this Court is of the view that such a complaint cannot be entertained by respondent Nos.2 to 4 since the said complaint disclose a civil dispute between the petitioner and respondent No.5. If the petitioner is aggrieved over the action of respondent No.5, he can approach the competent civil Court for necessary orders.

5. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

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

15.11.2016
AMD



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AMD