

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.39764 of 2015

ORDER:

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

“For the reasons stated above, it is therefore prayed that this Hon’ble Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in threatening and called me to police station of the 3rd respondent police station without any reason is nothing but illegal, arbitrary and violation of principles of natural justice and violation of Freedom of Speech and Freedom of Liberty guaranteed under Art.14 and 21 of the constitution of India consequently direct the respondents restraining from interfere with my peaceful possession and enjoyment of House bearing No.3-22/1B, Plot No.5/A, for an extent of 226 sq.yds. situated at Road No.11, Sri Venkateshwara Colony, Saroornagar Mandal, Hyderabad and pass such other orders as this Hon’ble Court may pleased to deem fit and proper in the interest of justice.”

The Sub-Inspector of Police, Saroornagar Police Station, Cyberabad Commissionerate, filed a counter-affidavit denying the allegations levelled by the petitioner as to interference with the possession of the petitioner over the subject property.

Sri Kamalakara Rao Bathina, learned counsel for the petitioner, would state that in the light of the averments made in paras 3 and 6 of the counter-affidavit, no adjudication on merits may be necessary.

Paras 3 and 6 of the counter-affidavit are duly taken on record and read as under:

“It is respectfully submitted that on receipt of the communication about the filing of the writ petition by the petitioner herein, this respondent has thoroughly verified the records of this respondent police station as to whether any complaint has been received or registered against the petitioner herein. The records revealed that as of now, no complaint whatsoever was received or registered against the petitioner herein on the file of Saroornagar Police Station, Cyberabad. The petitioner also never required in any of the cases registered on the file of Saroornagar Police Station. It is submitted that in the absence of registration of any crime against the petitioner herein, summoning him to the police station does not arise.

It is pertinent to submit that till date, no complaint whatsoever was received or registered against the petitioner herein on the file of Saroornagar Police Station. I humbly submit that at no point of time, this respondent police telephoned the petitioner nor asked him to come to the police station.”

Recording the afore-stated stand of the police authorities, the writ petition is closed.

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

SANJAY KUMAR, J

Date:16.02.2016

GJ