

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

**WRIT PETITION No.11436 of 2008**

**ORDER:**

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

*“to issue writ of mandamus to declare the action of the Respondent No.1 in calling the Petitioners to the Police Station and interfering with the Civil disputes in relation to the suit schedule property in OS No. 126 of 2008 on the file of the Court of the District Judge, Ranga Reddy District at L.B. Nagar i.e., Land admeasuring 28 guntas of land in survey No.76 and 35 guntas in survey No.228 and 229/1 of Madinaguda Village, Serlingampalli, Ranga Reddy District belonging to the petitioners as illegal, irregular, unconstitutional, arbitrary, unjustified and unsustainable and direct the respondents not to interfere in the civil dispute.”*

Heard, Sri K. Murali Krishna, learned counsel for the petitioner and learned Government Pleader for Home for the official respondent.

A counter-affidavit is filed by the Inspector of Police, Miyapur Police Station, Cyberabad, Hyderabad with the following averments:

*“I respectfully submit that it is also a fact that on a complaint lodged by the petitioner herein, a case in Cr.No.106/2008 U/Secs.447, 427, 506 IPC was registered on the file of this respondent Police Station against the unofficial respondents herein. The gist of the complaint is that the unofficial respondents herein are trying to dispossess him forcibly without any the and when the complainant questioned the accused in the FIR abused him in filthy language and threatened him. No evidence was established during the course of*

*investigation to show that the accused have committed the offence. Hence, the Investigating Officer after obtaining permission from the Asst. Commissioner of Police, referred the complaint of the petitioner as CIVIL IN NATURE. Final report will be filed shortly by following the due process of law.*

*I respectfully submit that the allegation of the petitioner that for extraneous reasons this respondent is providing necessary help to the unofficial respondents to interfere with their possession and enjoyment of the land is false and hence the same is denied. The allegation of the petitioner that when they are entering into their land, this respondent is threatening them by way of foisting false cases if they prevent respondents 4 and 5 interfering/trespassing into their land is false and hence the same is denied. The allegation of the petitioner that this respondent is helping the unofficial respondents by causing the interference in civil dispute is false and hence the same is denied. The allegation of the petitioner that this respondent called them to the Police Station and directed them not to make claim for the said or else they will face dire consequences and scolded them for filing a civil suit and also issuing publication of caution notice in Telugu daily newspapers is false and hence the same is denied.*

*I respectfully submit that on a complaint lodged by the 11<sup>th</sup> respondent herein, a case in Cr.No.107/2008 U/Secs.447, 427 and 506 IPC was registered on the file of this respondent Police Station against the petitioner and others. I submit that no evidence is collected against the accused in the FIR during the course of investigation to show that the accused had committed the offence and hence the Investigation Officer after obtaining permission from the Asst. Commissioner of Police referred the complaint of 11<sup>th</sup> respondent is CIVIL IN NATURE. The final report will be filed shortly before the concerned Hon'ble Court by following due process of law.*

*I respectfully submit that except registration of crimes in accordance with law, this respondent never*

*interfered with the civil disputes. The other allegations against the respondent police are false and hence the same are denied.”*

While referring to the above averments it is requested by the learned counsel for the petitioner to record the above averments of the counter-affidavit and dispose of the writ petition.

In view of the above submission, the writ petition is disposed of, placing on record the above extracted averments made in the counter-affidavit filed by the Inspector of Police, Miyapur Police Station, Cyberabad, Hyderabad.

Miscellaneous Petitions pending, if any, shall stand closed.  
There shall be no order as to costs.

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**A.V. SESA SAI, J**

June 30, 2016

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

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