

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40121 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of respondents 3 & 4 at the instance of 5th respondent calling upon the petitioners to the police station by foisting a false criminal case threatening the petitioners to settle the civil dispute in respect of the agricultural dry land to an extent of Ac. 1.18 guntas consisting of house bearing Door No.4-91 in Survey No.283/87, situated at Abdullapurmet Village and Mandal (erstwhile Hayathnagar Mandal), Ranga Reddy District, as illegal and arbitrary and consequently to direct respondents 3 & 4 not to interfere with the said land of the petitioners.

Heard and perused the material available on record.

The case of the petitioners is that the petitioners' mother B. Venkatamma is the absolute owner and possessor of the agricultural dry land to an extent of Ac. 1.18 guntas in Survey No.283/87, situated at Abdullapurmet Village and Mandal, Ranga Reddy District and she has been in possession and enjoyment of the said land for the past more than 40 years and cultivating the same without any interruption and that in the month of July, 2016, for the first time, the 5th respondent attempted to interfere with the possession and enjoyment of the petitioners over the said land without any manner of right. The petitioners' mother along with the petitioners approached the 4th respondent complaining against the 5th respondent while requesting him to take appropriate action. But, the 4th respondent has not taken any

action against the 5th respondent. The main grievance of the petitioners is that respondents 3 & 4 are calling the petitioners to the police station everyday and make them sit in the police station and also threatening the petitioners to settle the civil dispute pending between the petitioners and the 5th respondent.

Learned Assistant Government Pleader for Home, on instructions, informed that a crime is registered against the petitioners in Crime No.734 of 2016 for offences under Sections 447, 427 & 506 IPC and after issuance of notice under Section 41-A Cr.P.C., the petitioners were arrested and released on bail and that respondents 3 & 4 are calling the petitioners to the police station only for the purpose of investigation in the said crime and that respondents 3 & 4 have not intend to call the petitioners, without there being any crime registered against the petitioners for cognizable offence.

Considering the grievance of the petitioners and the rival submissions, respondents 3 & 4 are directed not to harass the petitioners in the name of investigation without registering any case against the petitioners for cognizable offence.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 6th December, 2016

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