

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42740 of 2016

ORDER:

This writ petition is filed seeking to declare the action of the 3rd respondent in interfering with the civil matters between the petitioners and 4th respondent and not allowing the petitioners to cultivate the land to an extent of Ac.20-00 cents in S.No.1048 of Girisastrulavari Kandiga Village, Gudur Mandal, as arbitrary and illegal.

2. Heard and perused the material available on record.

3. The petitioners are owners and possessors of aforesaid land having purchased the same under different registered sale deeds. While so, the 4th respondent filed O.S.No.434 of 2005 on the file of Principal Junior Civil Judge, Gudur, for permanent injunction against the petitioners and another. In this regard, the 4th respondent approached the 3rd respondent, who in turn has summoned the petitioners to police station and directed not to enter and cultivate the aforesaid land. Aggrieved by the said action, the petitioners filed W.P.No.35851 of 2013. On the report filed by 1st respondent that police are not interfering with the civil disputes, this Court disposed of the said writ petition with liberty to the petitioners to file written complaint before the Superintendent of Police, if the Station House Officer interfere with the civil disputes in future and approach this Court if Superintendent of police, Nellore does not take any action on such complaint. Subsequently, the 4th respondent got filed another vide O.S.No.33 of 2016 on the file VII Additional District Judge, Nellore

through his son and wife against the petitioners and five others for declaration of title and injunction in the aforesaid land. The petitioners filed written statement in the said suit. The 4th respondent approached the 3rd respondent and at the instance of 4th respondent, the 3rd respondent is not allowing the petitioners to cultivate the aforesaid land. The 4th respondent influenced the 3rd respondent and called the petitioners to police station and threatened them not to enter into the land. Though the petitioners have sent a complaint to the 2nd respondent on 20.10.2016 against the 3rd respondent, the 2nd respondent has not taken any action.

4. Learned Assistant Government Pleader for Home submitted that the 3rd respondent is not interfering with the civil disputes pending between the petitioners and 4th respondent.

5. Considering the facts and circumstances of the case, without expressing any opinion on merits, the Writ Petition is disposed of directing the 3rd respondent not to interfere with the affairs of the petitioners and the 4th respondent, more particularly, the civil disputes pending between them. However, this order will not stand in the way of the 3rd respondent to register a case, if any complaint is lodged against the petitioners for a cognizable offence. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

RAJA ELANGO, J

December 08, 2016

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Date: 08.12.2016

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