

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

WRIT PETITION No.4143 of 2010

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.2 and 3 Police in interfering with the peaceful possession and enjoyment of petitioner's land in Sy.No.293/AA to an extent of Ac.1-10 gts of Nelapatla Revenue village, Kusumanchi Mandal, Khammam District and also directed not to harvest the paddy crop raised by the petitioner herein at the instance of the 5th respondent without registering any crime and without initiating any proceedings is illegal and void and opposed to Articles 14, 19, 21 and 300-A of the Constitution of India and consequently to direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner's land in question without due process of law.”

A counter-affidavit is filed by the 3rd respondent herein - Sub-Inspector of Police, Kusumanchi Police Station, Khammam District and paragraph Nos.3 and 4 of the said counter-affidavit read as under:

“3. In reply to para No.3 of the affidavit, it is respectfully submitted that the petitioner may be put to strict proof the averments made in this para as this respondent is not aware of the contents therein. I submit that the allegation of the petitioner that this respondent is hand in glove with the 5th respondent and continuously harassing him and not allowing him to harvest the paddy crop is absolutely false and hence the same is denied.

4. It is pertinent to submit that almost all the averments made in the affidavit filed in support of the writ petition are made against the 5th respondent and this respondent is no way concerned with it. I submit that as of now, no complaint whatsoever is registered against the petitioner on the file of Kusumanchi Police Station. I

submit that the 5th respondent never approached this respondent police nor lodged any complaint against the petitioner herein. I submit that the dispute between the petitioner herein as well as the 5th respondent is purely civil in nature and this respondent has nothing to do with it. I submit that this respondent never summoned the petitioner to the Police Station nor harassed him at any point of time as alleged in the affidavit. I submit that this respondent never interfered with the civil disputes muchless the dispute of the petitioner herein. Only to bore grudge against the 5th respondent, the petitioner made baseless allegations against this respondent. All the other allegations made in the affidavit against this respondent are false and hence the same are denied.”

While referring to the above-mentioned paragraphs it is requested by learned counsel for the petitioner to place the said averments on record and dispose of the writ petition.

In view of the above submission, the writ petition is disposed of, by placing on record the averments made in the counter-affidavit as mentioned supra. There shall be no order as to costs.

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

A.V. SESA SAI, J

January 05, 2016

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

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