

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.18752 OF 2016

ORDER:

With the consent of learned counsel for the petitioners and learned Government pleader for Home, the writ petition is disposed of at the admission stage.

The present writ petition came to be filed seeking the following relief :

“To issue writ order or direction more particularly one in the nature of Writ of Mandamus to declare the action of the 1st respondent in interfering in the civil disputes pending between the petitioner and unofficial respondents in respect of schedule property covered by O.S.No.44 of 2015 on the file of the XVI Additional District and Sessions Judge, Krishna District at Nandigama as arbitrary, illegal and violation of Article 21 of the Constitution of India and consequently direct the 1st respondent not to interfere in the civil disputes in respect of the schedule property in O.S.No.44 of 2015 without following due process of law”

A perusal of the averments in the writ petition would show that the 4th respondent herein filed O.S.No.44 of 2015 before XVI Additional District and Sessions Judge, Krishna District at Nandigama and I.A.No.656 of 2015 seeking direction not to alienate the subable crop. The trial Court ordered not to alienate the property, but by that time, the crop was already sold. Aggrieved by the same, CMA is filed before this Court. It is also pertinent to note that the 1st respondent along with 6th respondent is restraining the 2nd petitioner from doing cultivation being a part of the schedule property. It is also stated that the 1st respondent threatened the 2nd petitioner stating that if he cultivates the land, he would be implicated in false cases. Hence, the writ petition.

Learned Government Pleader for Home denied the same stating that the allegations made against the 1st respondent are all false and that the 1st respondent is not interfering with the civil disputes.

Having regard to the facts and circumstances stated above,

and in view of the existence of civil dispute in O.S.No.44 of 2015 between the petitioners and unofficial respondents, the writ petition is disposed of, directing the 1st respondent not to interfere in the civil disputes, without following due process of law. There shall be no order as to costs.

Miscellaneous petitions, pending, if any, in the writ petition, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Date:14.06.2016
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