

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.35468 of 2016

ORDER:

This writ petition is filed by the petitioner, seeking to declare the action of the respondents 2 and 3 in summoning and calling the petitioner to the Police Station, Banjara Hills, Hyderabad, without due process of law and without there being any case against the petitioner, as illegal and arbitrary.

Heard and perused the material available on record.

The grievance of the petitioner is that he is the owner and possessor of house bearing No.8-3-231/ A/ 17/ A, Sri Krishna Nagar, Yusufguda, Hyderabad, admeasuring 166 sq.yds. For the purpose of MMTS (Metro Rail), government acquired 47.49 sq.mts., out of 166 sq. yards. The 4th respondent, who is the neighbour of the petitioner, approached the petitioner to purchase the said house, which is in 109 sq. yards, and entered into an agreement of sale by paying some amount as advance on different dates and agreed to pay the balance amount of Rs.62,22,000/- at the time of registration. Thereafter, when the petitioner approached him for payment of balance amount and for registration of the house, he stated he is ready with an amount of Rs.40,22,000/- towards balance sale consideration since he paid Rs.77,00,000/-. But, actually, the 4th respondent has to pay an amount Rs.62,22,000/- towards balance sale consideration. Without paying the said amount, he approached the police, Banjara Hills, and lodged a complaint against the petitioner, basing on which the police are calling the petitioner to the police station and compelling him to register the said property in favour of the

4th respondent or repay the amount to the 4th respondent with interest.

Hence, this writ petition.

Learned Assistant Government Pleader for Home submitted that the 3rd respondent is not intending to interfere with the civil disputes.

Considering the circumstances of the case, without expressing any opinion on merits, the Writ Petition is disposed of with the following direction:

“The 3rd respondent is directed not to interfere with the affairs of the petitioner and the 4th respondent, more particularly, with 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 cognizable offence is made out against the petitioner.”

There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

October 21, 2016
KTL