

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.29609 OF 2017

Date 08.09.2017

Between:
Smt Sridevi.

..... Petitioner

AND

The State of Telangana, rep. by its Principal Secretary, Home
Department, Secretariat, Hyderabad and others.

.....Respondents



HON'BLE SRI JUSTICE CHALLA KODANDA RAM**WRIT PETITION No. 29609 OF 2017****ORDER:**

This Writ Petition is filed seeking a mandamus declaring the action of respondent Nos.2 to 4, in interfering with the civil disputes of the subject land, as being illegal and arbitrary.

The allegation is that respondent – police are interfering with the repairing work being carried out by the petitioner.

Learned Government Pleader for Home (TS), on instructions, denied the allegation of respondent No.4 calling the petitioner's husband to the police station frequently and, on 10.08.2017, the officials went and warned him to stop repair work.

The petitioner's complaint dated 30.08.2017 to the Station House Officer, Santoshnagar Police Station and Assistant Commissioner of Police, Santoshnagar Division was received and enquiry is in the process. Specific allegation of the petitioner that police are interfering with the repairing work is denied. It is also further asserted that the petitioner's intention was only to divert the attention of the investigating agency and protect her husband in connection with Crime No.104 of 2016.

Having considered the respective submissions, and inasmuch as the authorities have categorically denied and there, being no material before this Court to come to the conclusion that respondent – authorities are interfering with the repair work being carried on by the petitioner, the Writ Petition is closed. In terms of **Prakash Singh v Union of India**¹, the Commissioner, Santoshnagar Division shall initiate necessary disciplinary action, if warrants against respondent No.4. It may also be noted that the petitioner shall be entitled to seek injunctive relief against respondent No.5 if there is any interference by seeking appropriate orders with respect to the individuals who are trying to prevent the repairing work, and respondent No.4 in his *eo nomine* capacity. He also can seek damages against individual, who is officiating as respondent No.4. Once the civil action is initiated against the individuals, they are required to approach the civil Court and defend themselves and justify why the damages should not be awarded against them. In that way, an effective check can be put against the individuals who are officiating and abusing their office.

Subject to above observations, the Writ Petition is disposed of. No costs.

¹ (2006) 8 SCC 1

Consequently, the miscellaneous applications, if any shall stand closed.

CHALLA KODANDA RAM, J

Dt:08.09.2017
usd

