

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION NO. 22836 of 2017

ORDER :

Heard both sides. With the consent of both parties the writ petition is disposed of at the admission stage.

2. The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent Nos.1 and 2 in harassing and interfering with the petitioner's life, liberty and his property in Survey No.84/ C/ A, admeasuring Ac.1.19 guntas, situated in Basanthapur Village, Rajapet Mandal, Nalgonda District, as illegal and arbitrary.

3. It is the case of the petitioner that the respondents are interfering with the personal life, liberty and property of the petitioner, without following due process of law.

4. Though various grounds are raised, learned counsel for the petitioner mainly submits that the respondent police may be directed not to call or summon the petitioner to the police station or interfere with the life, liberty and property of the petitioner, without following due process of law. Learned Government Pleader does not dispute the same. However, he submits that any action taken against the parties shall be in accordance with law.

5. It is to be noted that this Court in *G.B.C.Raj Gopal vs. The Government of A.P. Rep., by The Principal Secretary, Home Department, Secretariat Buildings, Secretariat, Hyderabad, A.P. and six others* in W.P.No.34137 of 2013, vide order dated 24.04.2014, in para

65 of the said judgment, while dealing with issue of forcibly summoning a person to the police station, observed as under:

“65. No person can be forcibly summoned to a police station except in accordance with law, including the provisions of the [CrPC](#). Exercise of power by police officers, and the mode and manner of its exercise, is circumscribed by the provisions of the [CrPC](#). Conferment of power is only to enable police officers to effectively discharge their statutory/legal obligations. Exercise of power, otherwise than in furtherance of a statutory/ legal duty, is an abuse of power”.

6. Without going into merits of the case; having regard to the submissions made and in view of the judgment referred to above, the Writ Petition is disposed of directing the respondent police not to interfere with the personal life and liberty of the petitioner and not to summon the petitioner to the police station, without following due process of law. However, if the respondent police intend to take any action against the petitioner, the same shall be in accordance with law. No costs.

Consequently, miscellaneous petitions, if any pending, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

11.07.2017
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