

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 27702 OF 2017

ORDER:

This Writ Petition has been filed seeking a *mandamus* to declare the action of the respondent police in threatening the petitioners to vacate their lands situated at John Hasper Colony, Pedakakani, Guntur District by the end of July 2017 and interfering with the civil disputes between the petitioners and the 5th respondent, as illegal.

Heard learned counsel for the petitioners.

Learned Government Pleader for Home (Andhra Pradesh), on instructions, would submit that the 5th respondent had given a complaint against the petitioners stating that they destroyed the constructions made by him and in those circumstances, an altercation had taken place. The learned Government Pleader submits that police have never interfered with the civil disputes between the petitioners and the 5th respondent. He further submits that since the land, which is the subject matter of the disputes that arose between the petitioners and the 5th respondent, is an encroached land, the Tahsildar/Mandal Revenue Officer concerned has been intimated about the same.

This Court, following the guidelines issued by the Supreme Court in ***Prakash Singh v Union of India***¹ and the judgment of this Court dated 27.04.2017 in Writ Petition No. 14072 of 2016 and batch, disposed Writ Petition No. 26557 of 2017, by the order dated 11.08.2017, wherein it has been observed that:

“ the petitioner shall be entitled to seek injunctive relief against Respondents 6 to 8 and the 5th respondent Station House Officer in his eo nomine capacity. He also can seek damages against the individual, who is officiating as the 5th

¹ (2006) 8 SCC 1

respondent. Once the civil action is initiated against the individual, he is required to approach the civil Court and defend himself and justify why the damages should not be awarded against him. In that way, an effective check can be put against the individuals who are officiating and abusing their office.”

In terms of the said order, this Writ Petition is also disposed of. No costs.

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

CHALLA KODANDA RAM, J

21st August 2017

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