

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.970 OF 2016

ORDER:

This writ petition is filed seeking to issue a writ or order more particularly, one in the nature of writ of *mandamus* to declare the action of the respondents 3 to 5 in interfering with the rights of the petitioner over the land of an extent of 18.27 cents in Sy.Nos.320/ 2A/ 2, 351/ A and 349/ 2 of Toderu village of Podalakur Mandal, SPSR Nellore District, at the instance of the 6th respondent as illegal and arbitrary, and consequently, direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner in respect of the aforesaid land.

Heard and perused the material available on record.

The case of the petitioner is that when the 6th respondent and some of his neighbouring land owners interfering with his peaceful possession and enjoyment over the above said land, he filed a civil suit along with an injunction application and an Advocate Commissioner was appointed to note down the physical features of the said land, and the Advocate Commissioner is taking steps to execute the warrant. Meanwhile, the respondents 4 and 5 and some constables came to his land and tried to measure and demarcate the land.

Learned Assistant Government Pleader for Home denied the entire allegations and submitted before this Court that the 4th respondent is not intending to interfere with the civil disputes.

Considering the rival contentions of both parties, this Court is of the view that the writ petition can be disposed of with the following direction:

The 4th respondent is hereby directed not to interfere with the civil disputes pending between the petitioner and the 6th respondent. At the same time, the present order will not stand in the way of the 2nd respondent to proceed with the investigation if any complaint is registered against the petitioner for a cognizable offence.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

January 06, 2017
KTL

RAJA ELANGO, J



