

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.4317 of 2017

ORDER

This writ petition is filed seeking to declare the action of the 4th respondent in calling the Secretary of the petitioner-society to the police station and threatening him to handover TATA Indica Vehicle bearing Registration No.AP-05-TV-4229 to the 5th respondent to settle the issue with him, as arbitrary and illegal.

Learned Government Pleader for Home produced the written instructions received from the 4th respondent, wherein it is stated that the 5th respondent and his friends established a registered society in the name of Jai Bheem Schedule Castes Drivers and Labour Co-operative Society Limited and they elected Mr.Satyala Rajesh Kumar as their Secretary with a motto to supply cars to ONGC, GAIL etc., on hire basis. All the members of the petitioner-society purchased cars in the name of the society by taking loan from Sundaram Finance. Likewise, the 5th respondent also purchased a TATA Indica Car bearing No. AP-05-TV-4229 and gave it on hire through the petitioner society. In that connection, some disputes arose between the petitioner-society and the 5th respondent. The 5th respondent lodged a compliant before the Superintendent of

Police, who in turn, endorsed the same to the 4th respondent for taking further action. The petitioner-society also lodged a similar complaint against the 5th respondent. In view of the said complaints, both the parties were called to the police station and their statements were recorded, which discloses that the issue is civil in nature and no FIR can be registered and they were advised to avail appropriate civil remedies.

Learned counsel appearing for the petitioner submits that the vehicle is still with the petitioner-society.

In such circumstances, it is open to the petitioner-society and the 5th respondent, to work out their remedies in the competent civil Court with regard to hiring of the vehicle or activities of the society.

Since no offence took place, the action of the 4th respondent is proper. However, the 4th respondent is directed not to interfere with the civil disputes between the petitioner and the 5th respondent.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

23rd March, 2017
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