

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.29548 of 2013

ORDER:

Heard Smt.SA.V.Ratnam for petitioners and the Assistant Government Pleader (Home) for 2nd respondent.

The petitioners pray for Mandamus declaring the alleged interference of 2nd respondent in construction work in Door No. 53-22-34/19 situated at Chaitanya Nagar, Maddilapalem, Visakhapatnam, as illegal, arbitrary and unconstitutional.

On 11.10.2013, this Court, after taking note of the allegations, passed the following interim order :-

“ Issue notice before admission returnable in four weeks.

Post after four weeks.

Respondents 1, 2, 4 and 5 may not interfere with the construction work undertaking by the petitioners, but however, the 3rd respondent is entitled to cause inspection of the construction undertaken by the petitioners and if any deviations are noticed by it, it can take appropriate action in accordance with law to prevent the petitioners from making or proceeding further with any such illegal constructions.”

The Assistant Government Pleader (Home) places on record written instructions dated 19.10.2013. The operative portion reads as follows :-

“It is humbly submitted that the dispute between the petitioners as well as the unofficial respondents 3 and 4 appeared to have been civil in nature and hence the respondent police has nothing to do with it.

I humbly submit that this respondent never interfered with the civil disputes muchless the dispute of the petitioner herein.

I humbly submit that as a precautionary measure to prevent the police from taking any action in the event of lodging of any complaint in future, the petitioner rushed to this Hon'ble Court and filed the present writ petition with baseless allegations.

I humbly submit that this respondent never interfered with the construction work alleged to have been constructed by the petitioners herein in the subject premises in question. On mere apprehension, the petitioner filed the writ petition with exaggerated allegations.”

From the above, it is clear that the writ petition is filed on mere apprehension. Admittedly, the petitioners and respondent Nos.4 and 5 are parties before the Civil Court and it is for the parties to work out their remedies before the Civil Court. The writ prayer is misconceived.

Hence, the writ petition is dismissed. No order as to costs.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

S. V. BHATT, J

Date: 19-12-2017
Prv