

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

W.P.No.20966 OF 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to issue a writ of *Mandamus* to declare the action of respondent Nos.2 and 3 in instigating respondent No.4 to demand money from the petitioner as illegal and unauthorized and consequently, direct respondent No.3 not to interfere with the civil disputes.

2. The averments made in the affidavit filed in support of the writ petition are as follows:-

The wife of the petitioner purchased an extent of land admeasuring 150 sq.yards in Sy.Nos.338 to 344 situated at Madhavaram Nagar, Near Allwyn Colony, Kukatpally Village, GHMC – Kukatpally Circle, Balanagar Mandal, Medchal – Malkajgiri District and the said plot was gifted to the petitioner *vide* registered Gift Deed document No.8309/2016 in the office of the Sub-Registrar, Kukatpally, Hyderabad. Since the petitioner became the owner and possessor of the above plot, he constructed ACC rooms and the said house was allotted House No.4-35-476/A. He also obtained electricity connection and water connection to the said house and has been paying the property tax regularly.

It is further stated that respondent No.4, who is the President of the adjacent colony, has been collecting mamools/illegal money from the owners of the houses belonging to Scheduled Caste persons mostly and if anyone refuses his

demand, he gives a complaint to respondent No.3, who will immediately summon the said person and directs him to settle the matter with respondent No.4 or else, would register a F.I.R. and harass him. As the petitioner belongs to Scheduled Caste and respondent No.4 belong to upper class and most of his surrounding house owners belong to upper castes, respondent No.4 has been threatening the petitioner to vacate the house or pay Rs.5,00,000/- for permitting him to stay in his own house for which respondent No.3 has been assisting him.

It is further stated that if respondent No.4 has any claim on the purchased plot/house, he has to approach civil Court, but cannot harass him with the connivance of respondent No.3. Respondent No.4 is not concerned with his plot/house, but he is demanding him to pay Rs.5,00,000/- on par with other house owners in the locality for permitting them to stay in their own houses. When the petitioner stated to respondent No.3 that if he demands illegal money and harass him, he will file a case under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, respondent No.3 started sending respondent No.2 to harass him. Hence, the petitioner filed the present writ petition.

3. Though no counter is filed, learned Government Pleader for Home (Telangana), on instructions, submitted that respondent Nos.2 and 3 are not involved in the commission of the offence at the instigation of respondent No.4 and they are neither interfering with the personal life and liberty of the petitioner nor collecting money at the instance of respondent No.4. He also places on

record, a copy of the F.I.R. in Crime No.460 of 2017 of Jagathgirigutta Police Station, Cyberabad registered against the petitioner for the offences punishable under Sections 468, 471, 420, 447, 427 and 506 I.P.C.

4. Learned counsel for the petitioner would submit that the very registration of the aforesaid F.I.R. is bad since the same is filed only as a counter blast to the case filed by the petitioner.

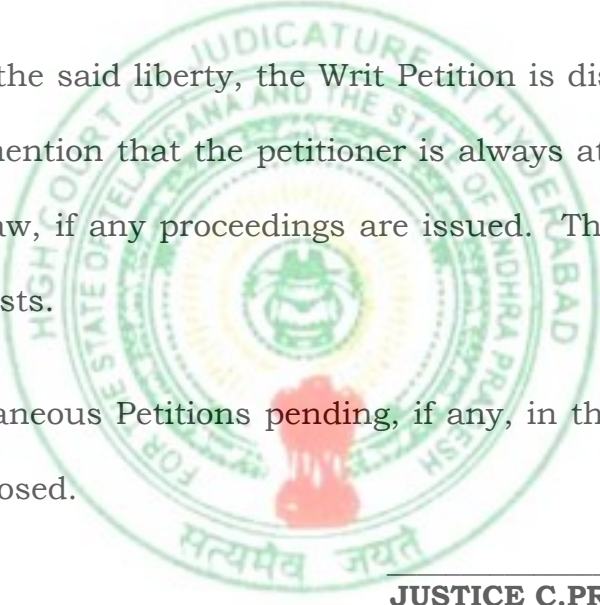
5. The averments in the said report relates to property situated in Survey Nos.337 to 345 whereas the writ petition is filed questioning the action of respondent Nos.2 and 3 relating to the property in Sy.Nos.338 to 344 situated at Madhavaram Nagar, Kukatpally. Since the issue involved relate to disputed questions of fact, there cannot be a positive direction in favour of the petitioner, but the request of the petitioner in the writ petition is to issue a writ of *Mandamus* to declare the action of respondent Nos.2 and 3 in instigating respondent No.4 to demand money from the petitioner as illegal and unauthorized and consequently, direct respondent No.3 not to interfere with the civil disputes.

6. As discussed above, learned Government Pleader, on instructions, states across the Bar that respondent Nos.3 and 4 have not demanded money illegally. No material has been placed by the petitioner to show the involvement of respondent Nos.2 and 3 in the commission of offence except filing documents showing his ownership. There may or may not be any dispute with regard to the ownership of the property of the petitioner, but the issue of interference cannot be decided in the absence of any material.

7. Having regard to the statements made across the Bar, this Writ Petition can be disposed of giving a direction to respondent Nos.2 and 3, not to interfere with the personal life of the petitioner and also not to demand any money, as alleged in the writ petition, at the instance of respondent No.4. However, if any action is sought to be taken against any of the parties pursuant to any crime being registered, the same shall be in accordance with law. At this stage, learned counsel for the petitioner would submit that if any proceedings are issued, the petitioner may be at liberty to challenge the same.

8. Giving the said liberty, the Writ Petition is disposed of. It is needless to mention that the petitioner is always at liberty to take recourse to law, if any proceedings are issued. There shall be no order as to costs.

9. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.



JUSTICE C.PRAVEEN KUMAR

Date: 5.7.2017
AMD

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