

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE MS JUSTICE J.UMA DEVI

WRIT APPEAL NO.1254 OF 2017

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent, is preferred by the seventh respondent in Writ Petition No.22080 of 2017 dated 07.07.2017.

The first respondent herein filed the Writ Petition to declare the action of respondents 3 and 4 (the Assistant Commissioner of Police and the Circle Inspector of Police), in interfering with his possession of the subject land on the ground that there was an interim order passed in WP.MP.No.34500 of 2008 in WP.No.26352 of 2008 dated 03.12.2008 passed by this Court as prayed by the husband of the seventh respondent, though the first respondent-writ petitioner was not a party thereto, as arbitrary and illegal.

By the order under appeal, the learned Single Judge disposed of the Writ Petition at the admission stage, without notice to the appellant-seventh respondent, directing the respondent police officials not to interfere with the personal life and liberty of the first respondent, or in any civil disputes pending between the parties; however, if the respondent police officials intend taking any action against the parties, the same should be in accordance with law.

While the order passed by the learned Single Judge, directing the respondents not to interfere with the personal life and liberty of the writ petitioner or with any civil disputes pending between the parties; and that any action, against the parties, shall be taken only be in accordance with law; cannot be faulted, Sri S.Sudeep Reddy, learned counsel for the appellant, would submit that, under the guise of the said order, the first respondent-writ petitioner had engaged goondas; he had thrown the appellant out of the subject property; and, even though the appellant had lodged a complaint, the police officials had refused to intervene on the ground that the order of the learned Single Judge required them not to interfere.

While the appellant should have been put on notice, and should have been given an opportunity of being heard, before the order under appeal came to be passed, the order under appeal *per se* only disables police officials from interfering with the personal life and liberty of the first respondent-writ petitioner; and enables them to take action against the parties in accordance with law.

While the police officials have no doubt been directed to refrain from interference in civil disputes, the petitioner's complaint, in the present writ proceedings, is that the first respondent-writ petitioner had engaged muscle-men to dispossess her, and had forcibly dispossessed her from the subject land. Suffice it to make it clear that, in case the

complaint lodged by the appellant discloses the commission of a cognizable offence, the order under appeal shall not preclude the police officials from investigating into the complaint; and from taking action thereafter in accordance with law.

The Writ Appeal stands disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(RAMESH RANGANATHAN, ACJ)

(J.UMA DEVI, J)

31st August 2017
RRB

