

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.23438 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, came to be filed seeking to declare the action of respondent Nos.3 and 4 in damaging the property (i.e. Eucalyptus trees) belonging to the 7th petitioner situated in survey No.284/2, Kothathalarivanipalem, Anakapalli Mandal, Visakhapatnam District, under the guise of crime No.99 of 2017, in spite of pendency of civil suit in O.S.No.81 of 2017 on the file of the Principal Senior Civil Judge, Anakapalli, as illegal and arbitrary.

Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Home appearing for respondent Nos.1 to 4. With their consent, the Writ Petition is disposed of at the stage of admission itself. Since this Court is not going into the merits of the case, there is no necessity to issue notice to respondent No.5.

Though various grounds are raised in the writ petition, the learned counsel for the petitioners restricts his prayer, seeking a direction to the respondents-Police not to interfere with the property disputes, which are pending between the petitioners and R-5.

Learned AGP, on instructions, denied the allegations made in the affidavit filed in support of the writ petition. She further submits that the respondents-Police never interfered with the civil disputes, which are said to be pending between the parties.

As seen from the material on record, O.S.No.81 of 2017 on the file of Principal Senior Civil Judge's Court, Anakapalli, is pending adjudication in respect of the subject property.

Having regard to the above, the Writ Petition is disposed of directing the respondents-Police not to interfere with the civil disputes, which are said to be pending between the parties. However, if they intend to take any action against the petitioners, they shall follow the procedure established under law.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed. No costs.

17.07.2017
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C. PRAVEEN KUMAR, J

