

THE HON'BLE SRI JUSTICE S. V. BHATT

WRIT PETITION No. 28933 of 2013

ORDER:

The petitioner prays for mandamus declaring the action of 1st and 2nd Respondents in not initiating criminal action against 3rd Respondent pursuant to complaint dated 29.07.2013, as illegal and unconstitutional.

2. On 07.10.2013 this Court ordered notice before admission. The Assistant Government Pleader places on record written instructions dt.15.10.2013. The operative portion of the written instructions reads thus:

“It is submitted that on 31.7.2013 the SHO Humayunagar P.S. had received the complaint of the petitioner herein dated; 29.7.2013 by post, stating that, he is the owner and possessor of Semi furnished flat No.102 on 1st floor “Oak Avenue” situated at Humayunagar, Hyderabad by virtue of registered sale deed purchased from the 3rd Respondent herein, but there is no permission to the drinking water connection and the 3rd Respondent not taken any permission from the water works Dept., and he did not supply the link documents to the petitioner herein. The 3rd Respondent obtained conditional permission from the MCH for construction upto 2nd floor, but the 3rd Respondent constructed third floor by violating the conditions. The petitioner and other owners requested the 3rd Respondent to give link document, but the 3rd Respondent refused to give the link document and threatened, so the petitioner requested the police to take necessary action.

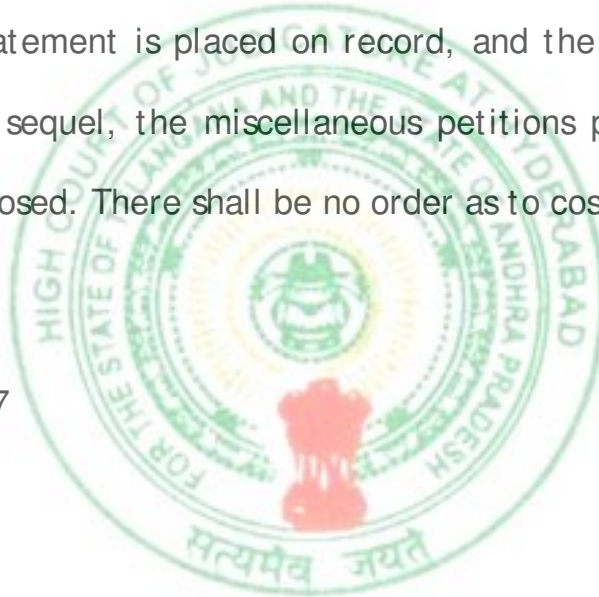
Basing on the said complaint, this Respondent enquired the matter and it was revealed that, there is a civil dispute between the petitioner and the 3rd Respondent who is the vendor of the petitioner herein with regard to the water connection and link document. As the matter relates to civil in nature. Hence this Respondent had suggested the petitioner to approach Court of law."

3. In view of the above, Mr.Mohd.Ghulam Rasool, counsel for petitioner does not press the writ prayer and requests the Court to leave open the remedies available to petitioner, both civil and criminal in this behalf.

4. The statement is placed on record, and the writ petition is closed. As a sequel, the miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

April 18, 2017
Kv

S. V. BHATT, J



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