

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.20024 OF 2017

ORDER:

Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Home for the State of Telangana. With their consent, the present writ petition is disposed of at the admission stage itself.

2. Since this Court is not going into the merits of the case, it may not be necessary to issue notice to the unofficial respondents.

3. The Writ Petition, under Article 226 of the Constitution of India, came to be filed with the following prayer:

“...to issue a Writ of Mandamus or any other appropriate Writ or Writs, Order or Orders declaring the action of Respondents more particularly Respondent Nos.4 & 5 in forcing the Petitioners herein to vacate from the joint possession of their agricultural land admeasuring Ac.2-20 Gts in Sy.No.86, admeasuring Ac.3-22 Gts in Sy.No.105 and Ac.2-29 Gts in Sy.No.106 situated at Hajipur Village, Bommaramaram Mandal, Nalgonda District, despite partition suit being pending between Petitioners and Respondent No.6 with O.S.No.1079 of 2015 on the file of VII Additional District Judge, Ranga Reddy District at L.B.Nagar at the instance of un-official Respondent No.6 herein as the same is illegal, arbitrary, unjust, unconstitutional and against to the principles of natural justice.”

4. As seen from the record, basing on a report given by respondent No.6, a case in Crime No.121 of 2016 of Bommaramaram Police Station came to be registered for the

offences punishable under Sections 447, 427 and 506 read with 34 IPC. In the said case, police investigated into the matter and filed a charge sheet. The record further discloses that during the pendency of the partition suit between the petitioner and the unofficial respondents, respondents 4 and 5, at the instance of 6th respondent, are interfering with the property, which is subject matter of the dispute.

5. Learned Assistant Government Pleader, on instructions, submits that the allegations made in the affidavit filed in support of the writ petition, with regard to involvement of respondents 4 and 5, are false. He further submits that respondents 4 and 5 never interfered with the civil dispute pending between the parties and that any action go be taken by them will only be in accordance with law.

6. Recording the said statement, the Writ Petition is disposed of directing respondents 4 and 5 not to interfere with the civil dispute pending between the petitioner and the unofficial respondents and if they intend to take any action, the same shall be in accordance with only.

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:22.06.2017
INL