

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.17875 of 2012

ORDER:

Heard Sri Mohd.Adnan for petitioners and the Assistant Government Pleader (Home) for the 2nd respondent. No representation for the 3rd respondent.

The petitioners pray for Mandamus declaring the action of respondents in dispossessing the petitioners from the property bearing No.18-8-116/2/B at Bagh Mir Pasha, Riyasath Nagar, Edi Bazar Road, Hyderabad, as illegal and unconstitutional.

The petitioners claim to be in possession and enjoyment of the property in their own right and entitlement. The Task Force Officer of 3rd respondent filed complaint against the petitioners. The 2nd respondent registered the complaint as Cr.No.86 of 2012 and the same was tried in C.C.No.209 of 2015 and ended in acquittal on 12-04-2016.

The writ petition has been filed complaining dispossession of petitioners by the 2nd respondent during and in the course of investigation into the crime referred to above.

The 2nd respondent filed counter affidavit and the statement on the cause of action for filing the writ petition is required to be reproduced for disposing of the writ petition. Paragraph '5' of the counter affidavit reads thus:-

"It is respectfully submitted that except registration of the above crime against the

petitioners herein on receipt of the cognizable complaint from the Task Force Officer, AP Wakf Board and proceeding with the investigation as per law, this respondent never interfered with the subject property of the petitioner herein. I submit that this respondent elicited the criminal overt acts of the petitioners herein in the commission of offence. I submit that mere registration of criminal case and proceeding with the same in accordance with law, does not amount to interference of the respondent police into the civil disputes. I submit that this respondent police is not the competent authority to dispossess the petitioners from the subject property in question.”

Counsel for petitioners submits that the above statement can be placed on record and the writ petition can be closed.

The statement is accepted.

The writ petition is closed accordingly.

The grievance, if any, between the petitioners and the Wakf Board, is not directly or indirectly adverted to while closing the writ petition. It is for the parties as and when cause arises to work out in accordance with law.

As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

Date: 10-04-2017
Prv

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Prv