

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.23340 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, came to be filed seeking to declare the action of the second respondent in interfering with civil disputes pending between the petitioner and third respondent in respect of property bearing H.No.13-2317/3/D admeasuring 500 Sq. Yards situated at Aramghar Colony, Dhoolpet, Mangalhat, Hyderabad (hereinafter called as 'subject property'), as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Home appearing for respondent Nos.1 and 2. 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.3.

The case of the petitioner is that he is the owner and possessor of the subject property and the petitioner and his family members are residing in the house existing in the subject property. The vacant land existing in the subject property is being used by the petitioner for his business needs i.e. preparation of Ganesh Idols. On 19.01.2016, R-3 along with some antisocial elements, trespassed into the subject property and tried to removed the Idols available therein. Aggrieved by the same, petitioner filed O.S.No.178 of 2016 on the file of IX Junior Civil Judge's Court, City Civil Court, Hyderabad, against R-3 and another, wherein in I.A.No.19 of 2016 an order of *status quo* was passed in favour of the petitioner on 30.03.2016. The grievance of the petitioner is

that *in spite* of the *status quo* order granted by the trial Court, the third respondent again interfered with possession of the petitioner over the subject property. Complaining the same, the petitioner approached the respondents-Police. The case of the petitioner is that in stead of receiving his complaint, the respondents-Police, at the instance of R-3, are summoning the petitioner to Police Station and insisting him to settle the disputes with R-3. Questioning the same, the present writ petition came to be filed.

Learned AGP, on instructions, denied the allegations made in the affidavit filed in support of the writ petition. He further submits that the respondents-Police never interfered with the civil disputes.

As seen from the material on record, in I.A.No.19 of 2016 in O.S.No.178 of 2016 filed by the petitioner against R-3 and another, the trial Court granted an order of *Status Quo* 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, in respect of subject property. However, if they intend to take any action against the petitioner, they shall follow the procedure established under law.

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

C. PRAVEEN KUMAR, J

21.07.2017
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