

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.36162 of 2017

ORDER:

Heard Mr S. Pradeep Kumar, counsel for petitioner and the Assistant Government Pleader for Home.

The petitioner filed O.S.No.403 of 2014 before the Sub-Divisional Magistrate and Special Assistant Agent to Government, Mobile Court, Bhadrachalam. The 4th respondent herein is one of the defendants in O.S.No.403 of 2014.

On 05.03.2016 in I.A.No.308 of 2017, the Special Assistant Agent to Government passed the following order:

“Dt.05-03.2016

PC present

DC present

For arguments, Heard arguments with both counsels with reference to the documents. This courts wants to further evidence in the suit lands from the concerned Tahsildar to obtain Tahsildar report in detailed before 08.03.2016.

Heard arguments with both counsels in I.A. for implead petition. This Court already granted T.I.O. on 29.11.2013 in O.S.No.278/2013 in favour of the implead petition. The T.I.O. is in force. Hence, the implead petition is allowed and the both parties shall maintain status quo till further order obtain Tahsildar report in detailed further step.

Next date of hearing 15.03.2016.”

o representation for petitioner.

The case of the petitioner is that interim order granted in favour of petitioner is subsisting and petitioner is in possession and enjoyment of agricultural land of an extent of 97 cents granted in favour of the petitioner's mother through proceedings No.L.D.S.HA.No.252/98, dated 16.03.1998. These circumstances are merely referred to appreciate the grievance of petitioner against 3rd respondent at the instance of 4th respondent.

This Court is of the view that when the parties to a dispute are before competent Court, the interference in civil dispute ought to be avoided, much less the force of police is used to physically dispossess a person from the property. As an instance, if such a thing really happens, an officer would be doing such an exemplary act at his own risk and cost. Be that as it may, the 3rd respondent does not want to do such an exemplary act.

The instructions read as follows:

“I humbly submit that at any point of time, this respondent visited the subject suit lands of the petitioner herein or asked her to vacate the same and also tried to dispossess her.

I humbly submit that this respondent never abused the petitioner by touching her caste as alleged.

It is pertinent to submit that having bore grudge against the 4th respondent herein, the

petitioner made false and baseless allegations against this respondent.

It is pertinent to submit that it appears that the dispute of the petitioner as well as the 4th respondent herein regarding the title and ownership of the suit schedule property is purely civil in nature and hence this respondent is no way concerned with it.

I humbly submit that this respondent is not competent authority to dispossess the petitioner or induct the 4th respondent into the suit schedule property of the petitioner herein.

I humbly submit that to prevent the police from taking any action in the event of lodging of any complaint against her, the petitioner on mere apprehension rushed to this Hon'ble Court and filed the present writ petition without any cause of action."

The instructions of 3rd respondent are placed on record and accepted.

Therefore, it is needless to observe that the 3rd respondent is neither independently nor at the instance of 4th respondent interferes in civil disputes.

With the above observations, writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 20.11.2017
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