

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.35446 of 2017

ORDER:

Heard Mr.Anand Kumar Kapoor for petitioners, the Assistant Government Pleader (Home) for respondent Nos.1 to 5 and Sri Y.Krishna Mohan Rao for respondent No.7.

The petitioners pray for the following reliefs:

“Issue a Writ of Mandamus or any other appropriate Writ or Writs, Order or Direction, declaring

1. That, the actions undertaken by Respondent No.4 on 20.10.2017 and 21.10.2017 in relation to property of 1st petitioner i.e., PSR PRIME TOWER, Gachibowli is illegal and violative of Articles 14, 19, 21 and 300-A of the Constitution of India.
2. That the action of Respondent No.4 interfering in the civil dispute between the 1st petitioner and Respondent No.7 inspite of matter pending before the Commercial Court at Hyderabad, is *ex-facie* illegal and violative of Articles 14, 19, 21 and 300-A of the Constitution of India.
3. That the direction given by Respondent No.4 to the Petitioners and others of not to proceed with the work on the 6th ad 7th Floor of the 1st Petitioner's Property i.e. PSR PRIME TOWER as illegal and in derogation of Rule of Law and being violative of Articles 14, 19, 21 and 300-A of the Constitution of India.
4. Consequently to Restrain the Respondent No.4 from interfering or intermeddling in any manner with the work being undertaken at the 6th and 7th floor of PSR PRIME TOWER belonging to the 1st petitioner.”

On 25.10.2017, at request of respondent Nos.1 to 5, the writ petition was adjourned. The counter affidavits of respondent Nos.4, 5 and 7 are filed.

I have heard the counsel at length.

Learned counsel appearing for petitioners and 7th respondent submitted that a few disputes under construction agreement etc., are subject matter of dispute in A.O.P.No.180 of 2017 in the Court of XXIV Additional Chief Judge cum Commercial Court, City Civil Courts, Hyderabad.

The 4th respondent is also impleaded eo nomine party as respondent No.6.

In view of the evidence brought on record, this Court has also called upon the 4th respondent to file counter affidavit.

The 4th respondent refers to pendency of four (04) crimes registered at the instance of petitioners as well as respondent No.7. As the investigation is in progress, this Court is not inclined to refer to the stand taken in this behalf by 4th respondent. But before prefacing the stand of 4th respondent in paragraph No.18, it is required to be noted that even in cases where the situation present both in a civil dispute and a cognizable offence, the police are required to confine their investigation only to the offence which is being investigated by them.

The 4th respondent in his counter affidavit states as follows:

“I humbly submit that many a time, the Commissioner of Police, Cyberabad Commissionerate issued general instructions to the Asst. Commissioners of Police/Station House Officers, not to interfere in civil disputes and family disputes and also money transaction matters and if any adverse information is received against the concerned individual, stern disciplinary action would be taken on the concerned individual. In this case, at any point of time, the respondent police never interfered with the subject property of the petitioner herein except proceeding with the investigation into the case registered against each other. To wreck vengeance against the 7th respondent herein, the petitioner leveling allegations on the respondent police more particularly against the 6th respondent herein. The contentions contra are untrue and hereby denied. The allegations contra are untenable. There are no merits warranting interference of this Hon’ble Court under Art.226 of Constitution of India. The writ petition is liable to be dismissed.”

The statement of 4th respondent is placed on record, accepted and writ petition disposed of accordingly. 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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