

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No.36830 of 2017

ORDER:

In this Writ Petition, the petitioner seeks a writ of Mandamus declaring the action of respondent No. 3 in interfering with the civil disputes by foisting false cases under threat, as illegal, arbitrary and consequently, direct the respondents not to interfere with the civil disputes between the petitioner and her landlord, which are pending before the civil Court.

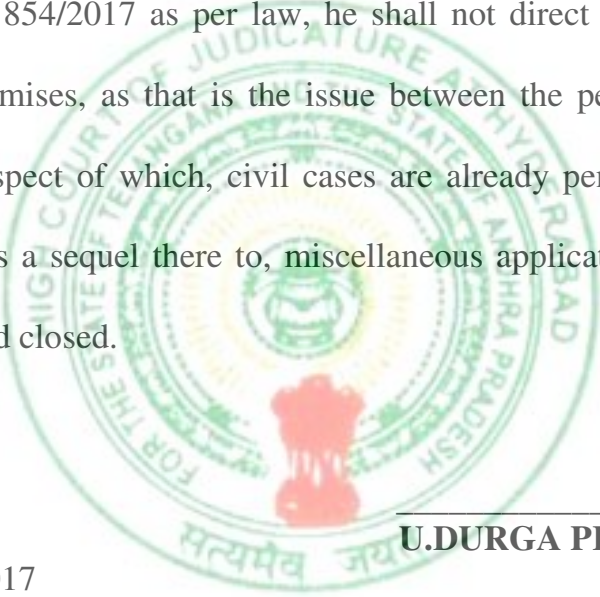
2. Petitioner's case is that she is a tenant of Villa in Polot No. 77 in Maitry Enclave, Yaprul, Alwal Municipality, Medchal District, which belongs to her landlord B. Suresh Babu and some disputes arose between her and her landlord and thereby the petitioner was forced to file O.S.No. 1259 of 2013 before the VIII Additional Senior Civil Judge, L.B.Nagar, Hyderabad, seeking permanent injunction against her owner restraining them from interfering with her peaceful possession of Villa. She also obtained a temporary injunction in I.A.No. 870 of 2013. In turn the landlord filed O.S.No. 1889/2013 before the VIII Additional Senior Civil Judge, L.B.Nagar, seeking her eviction and the same is pending.

2.1. While so, her further case is that her neighbour and some others have raised disputes with her and gave complaints to the police on the false averments and the SHO, Jawaharnagar Police Station, Rachakonda (3rd respondent) registered those complaints as Crime Nos. 129/2015, 835/2017 and 854/2017 and investigation is pending. Though the petitioner has given complaint against her neighbour Smt. Ijju Kusuma Haritha, the third respondent did not register the same. Further, on the pretext of summoning the petitioner in the aforesaid complaint, the third respondent is directing her to vacate Villa in Plot No. 77, which he has no right to do so, as civil disputes are already pending between her and her landlord before the civil Court. Hence, the petitioner seeks a suitable direction to the third respondent in this regard.

3. Learned Assistant Government Pleader for Home, on instructions would submit that in Crime Nos. 129/2015, 835/2017 and 854/2017, which were registered on the complaint given by the neighbours of the petitioner, investigation is under way. Denying the allegations of the writ petitioner, it is submitted that except registration of the aforesaid crimes and proceeding with the investigation, the third respondent never interfered with the civil disputes pending between the petitioner and her

landlord, as he is not the competent authority to deal with those matters and he never demanded her to vacate the Villa premises.

4. In view of the aforesaid submission of the third respondent, this Writ Petition is disposed of with a direction to the third respondent to the effect that while he is at liberty to investigate the Crime Nos. 129/2015, 835/2017 and 854/2017 as per law, he shall not direct the petitioner to vacate the premises, as that is the issue between the petitioner and her landlord in respect of which, civil cases are already pending before the civil Court. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.



U.DURGA PRASAD RAO, J

Date: 03.11.2017
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