

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.39024 of 2017

ORDER:

Heard Smt.A.Chaya Devi for petitioners and the Assistant Government Pleader (Home) for respondents 1 to 4.

The petitioners pray for the following relief :-

“... to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondent No.4 in interfering with the civil dispute i.e., interfering in the peaceful possession and enjoyment of the Petitioners in respect of the agricultural land admeasuring Ac.22-44 cents in Sy. No. 1048 situated at Girisastrulavarikandriga, H/o. Vinduru Village, Guduru Mandal, SPSR Nellore District, as illegal, arbitrary, unconstitutional and violation of Article 300-A of the Constitution of India and consequently direct the Respondent No. 4 not to interfere with the civil dispute and life and personal liberty of the petitioners....”.

In spite of the competent Civil Court seized of the dispute between petitioners and respondents 8 to 11, the grievance of petitioners is that respondents 4 to 7, at the instance of respondents 8 to 11 are either interfering with the civil dispute or threatening the petitioners.

The case of petitioners is that the petitioners are not required in a crime pending investigation in 4th respondent police station and are not accused either. The interference is illegal, arbitrary and unconstitutional.

The dispute since is pending before the civil Court, this Court is of the view that interference by respondents 4 to 7 attracts cause of

action and the petitioners can avail the remedy of impleading such persons, who are interfering in the civil dispute, in the pending suit. As and when such application is filed, this Court has no reason to doubt that the civil Court, seized of the dispute will appreciate and examine the prayer in accordance with law.

The interference in civil dispute is to be noted, if correct, is always at the expense and cost of the party, whose right is interfered.

With the above observation, the writ petition is dismissed. No order as to costs.

Dt: 20-11-2017
Prv



S. V. BHATT, J