

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No.36799 of 2017

ORDER:

In this Writ Petition, the petitioner seeks a writ of Mandamus declaring the action of the respondents 1 to 6 in not registering the FIR on petitioner's complaint dated 10.10.2017, against un-official respondents 7 to 9, as illegal, arbitrary and unconstitutional and seeking a direction to respondents 2 to 6 to register FIR and conduct investigation.

2. The petitioner's case is that he filed O.S.No. 168 of 2017 on the file of Principal Senior Civil Judge, Eluru, against unofficial respondents 7 to 9. In I.A.No. 825 of 2017, the trial Court after full fledged enquiry granted interim injunction in favour of petitioner and against respondents 7 to 9 in its order dated 18.9.2017 and the said order is in force. Despite the same, the unofficial respondents 7 to 9 are meddling with the property highhandedly and they are threatening the petitioner and his farm servants that they would grab the landed property by ousting him from possession. Aggrieved, the petitioner gave a complaint to the SHO, Tadikalapudi Police Station, West Godavari District on 10.10.2017, but the police have not taken any action so far.

3. It is seen that as per the order in I.A No. 825 of 2017 in O.S.No. 168 of 2017, a copy of which is filed along with the material papers, the learned Principal Senior Civil Judge, Eluru, West Godavari District, granted interim injunction in favour of the petitioner and against unofficial respondents 7 to 9 and it is stated to be in force.

4. In that view of the matter, respondents 2 to 6 are directed to verify the complaint of the petitioner stated to be presented in the Police Station of Tadikalapudi and register the FIR, if it discloses a cognizable offence, and proceed with the investigation in accordance with law.

5. The Writ Petition is accordingly disposed of. There shall be no order as to costs. 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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