

HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD.

WRIT PETITION No. 2422 OF 2016

ORDER :

This is a writ petition seeking a writ of mandamus for a direction to the respondents 1 to 4 not to interfere with the civil disputes.

2. The petitioner filed an affidavit stating that he is the owner of agricultural land in an extent of Acs:36-37 cents in Survey Nos. 165 to 168, 171 to 175, 212 and 2013 of Ailapur village, Patancheru Mandal, Medak district. The petitioner has filed O.S.No. 36 of 2006 for declaration of title and the same was decreed vide judgment dated 01/4/2009 declaring him as the owner of the schedule land and directed the officials to issue pattedar certificate in his favour and make corrections in the revenue records. Respondent No.7/un-official respondent filed O.S.No. 40 of 1980 before the District Munsif Court, Sangareddy for permanent injunction against the villagers of Ailapur. The petitioner has settled the matter with the respondent No.7 and in terms of the compromise, the respondent No.7 agreed not to claim title and possession over the property.

3. It is the case of the petitioner that respondents 1 to 4 without verifying the civil litigation between the petitioner and respondent No.7 have been interfering in the civil disputes,

therefore, the petitioner has filed the present writ petition for a direction to the respondents not to interfere in the civil matters.

4. This Court vide orders dated 28/01/2016 in W.P.M.P.No.3049 of 2016 has passed the following order :

“ As it is a settled legal position that the police authorities are not entitled to interfere in any civil disputes, the respondent authorities shall be conscious of their powers in the context of any criminal investigation under the provisions of the Code of Criminal Procedure 1973, and shall not subject the petitioner to any harassment or interference in connection with his civil dispute with the unofficial respondent.”

5. The learned Assistant Government Pleader for Home submits that the interim order in this writ petition is made absolute, however, considering the counter-affidavit filed by the respondents. The learned Assistant Government Pleader further submits that the first respondent has filed his counter stating that the seventh respondent has not lodged any complaint against the petitioner and that the Police have not been interfering with the civil disputes between the petitioner and seventh respondent. It is further argued that one Mr. Nayeem Anwar lodged a complaint dated 22/01/2016 with the Patancheru Police stating that M.A. Muqem, M.A. Azeem, M.A. Faheem, Mir Abbas Ali of Moula Ali and few others of Moula Ali, Malkajgiri and Ailapur village are harassing mentally and physically by way of illegal construction with the help of their gang and selling away the properties to third parties. The said gang on the basis of fake documents selling the land to innocent people. The said persons stated in their

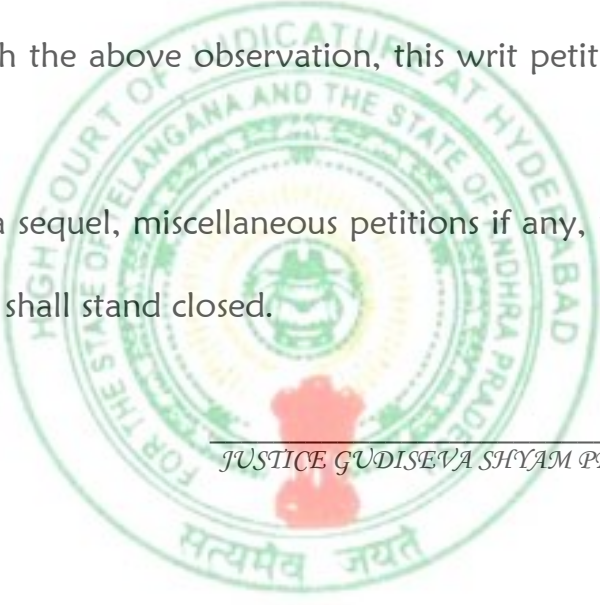
complaint that WAMP.No. 263 of 2013 in W.A.No. 114 of 2013, W.A.No. 115 of 2013, W.P.No. 18845 of 2005 and W.P.No. 11993 of 2005 are pending on the file of this Court and interim orders have been granted on 18/10/2012 against the respondents. On the basis of fake documents the said gang has been selling the land to the innocent people, therefore, the above said persons filed a complaint with the Patancheru Police to take necessary action in the matter. F.I.R.No. 28 of 2016 was registered on 22/1/2016 for the offences punishable under section 447, 427 read with section 34 of I.P.C. and the Police Patancheru took up investigation. During the course of investigation a notice under section 91 Cr.P.C. was issued to the complainant asking him to produce the documents and witnesses for proceeding with further investigation. The petitioners having knowledge about the registration of Crime No.28 of 2016 against them have filed the present writ petition to prevent the police from conducting the investigation in the matter, and therefore, sought for dismissal of this writ petition.

6. The learned Assistant Government Pleader places reliance on the contents of the counter filed by the respondents submitted that as some other persons have filed a complaint the petitioner and the Police are conducting investigation in respect of Crime NO.28 of 2016 and Crime No. 250 of 1992 the petitioner has approached this Court stating that the Police are interfering in the civil matters, therefore, the writ petition may be dismissed.

7. Having regard to the facts and circumstances of this case, since it is stated that the Police are investigating the matter in Crime No. 28 of 2016 and Crime No. 250 of 1992, it does not amount that Police are interfering in the civil disputes. The Police however in the light of the interim orders passed by this Court that respondents 1 to 4 may proceed with the criminal investigating pertaining to the provisions of Criminal Procedure Code 1973 but however, they shall not subject the petitioner to harassment in connection with the civil disputes.

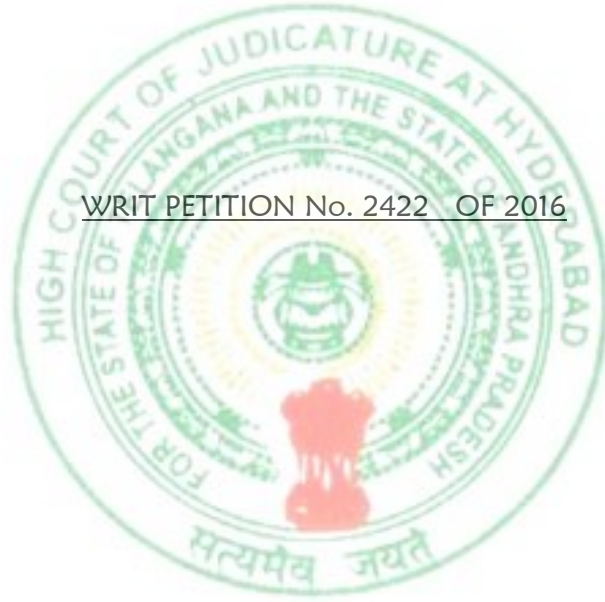
8. With the above observation, this writ petition is disposed of. No costs.

9. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.



JUSTICE GUDISEVA SHYAM PRASAD

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