

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.2065 of 2017

ORDER:

The prayer in the writ petition is as under:

“to issue a writ, order or direction more particularly one in the nature of mandamus declaring the action of respondent No.3 and his police personnel in harassing the petitioner by interfering into civil disputes and making him to sit in the police station for hours together as illegal, arbitrary and violation of the Articles 14 and 21 of the Constitution of India and consequently direct the respondents not to harass the petitioner and his family members in any manner and further not to interfere with the civil dispute between him and respondent No.4 and pass...”

2. Heard the learned counsel for petitioner, and the learned Government Pleader for Home (A.P.) on behalf of the respondents 1 to 3 and perused the prayer in the writ petition with supporting affidavit and the report of respondent No.2-Superintendent of Police, West Godavari District dated 15.04.2017.

3. The supporting affidavit averments of the writ petition are that the petitioner, aged about 62 years, is a practicing advocate of Tadepalligudem Bar of West Godavari District and that there is a civil dispute relating to purchase of flat bearing No.401 in Royal Heights Apartment from respondent No.4 by name Mandava Satyanarayana and there was a consumer case covered by C.C.No.5 of 2016 before the District Consumer Disputes Redressal Forum of West Godavari District at Eluru

and there was also Advocate Commissioner appointed in I.A.No.249 of 2016 in relation to the deficiency of plinth area of 1300 square feet, for which it is sold, and it is therefrom respondent No.4 using the Station House Officer, Tadepalligudem Town Police Station, West Godavari District-respondent No.3, out of his personal clout, calling the petitioner unnecessarily and threatening to withdraw the consumer case else to implicate in a false police case by making to go round the police station with no reason and by interference with the civil disputes without any propriety and justification unconstitutionally. The report of the Superintendent of Police (S.P.) is called for by this Court on 27.03.2017, which was filed very recently that was prepared and signed by the S.P. on 15.04.2017 contains the statement of petitioner and also the statement of respondent No.3 and the S.P. ultimately says the respondent No.3-Station House Officer, Tadepalligudem Town Police Station is denying about the calling of petitioner to the police station much less at the instance of respondent No.4-Mandava Satyanarayana including by any of his subordinates and it is contra to the version of petitioner that they were calling and harassing.

Having regard to the above, by giving liberty to the petitioner, if at all aggrieved to file a private complaint against the respondents 3 & 4 for appropriate penal

consequences, this Writ Petition is disposed of directing respondent No.3 not to interfere with any civil dispute between the petitioner and respondent No.4 except through due process of law. No order as to costs.

Miscellaneous Petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

25.04.2018
MVA

