

THE HON'BLE SRI JUSTICE P.KESHA VA RAO

WRIT PETITION NO. 35008 OF 2015

ORDER:

1. Heard the learned counsel for the petitioner as well as the learned GP appearing for respondent Nos. 1 to 3.

2. The prayer sought in the Writ Petition is as under:

"....to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring action of the 2nd respondent in interfering with the construction activity of petitioner's house in the house site situated at Survey No. 692/4B near by to Door No. 9/98 of 9th ward of Gandhi Nagar Area, Railway Kodur, at the instance of the 4th respondent without any order from the civil court or competent authority as arbitrary, illegal, improper and incorrect and consequently direct the respondents not to interfere with the construction activity of petitioner's house in the site situated at Survey No 692/4B near by to Door No. 9/98 of 9th ward of Gandhi Nagar Area, Railway Kodur, at the instance of the 4th respondent without any order from the civil court or competent authority."

3. The case of the petitioner is that he purchased an extent of 75 sq.yards each in Sy.No.692/4B near Door No.9/98 of 9th ward of Gandhi Nagar Area under registered sale deed vide document bearing No. 647 of 2004 dated 16.4.2004. Subsequently, he also acquired another 75 sq. yards of land under settlement deed dated 10.9.2007. Since then he has been in possession and enjoyment of the same. With an intention to construct a house, he approached Koduru Gram Panchayat for permission to construct a house. Accordingly, vide proceedings B.L.R.No.240/13-14 dated 23.1.2014, the said Gram Panchayat granted permission for construction of the house. It is the specific allegation of the petitioner that when the house was being constructed, respondent Nos. 2 and 3, without

any authority in law, at the instance of respondent No.4, are trying to interfere with the construction activity.

4. During the course of arguments, learned GP appearing for respondent Nos. 1 to 3 placed on record, the written instructions dated 3.11.2015 issued by the Station House Officer, Railway Koduru P.S, Kadapa district. In the said written instructions, it is specifically stated that there seems to be a civil dispute between the petitioner and respondent No.4 with respect to the subject property, for which, the respondent Police have nothing to do with it. The petitioner is unnecessarily involving the respondent Police into the civil litigation between him and respondent No.4. It is also stated that Writ Petition has been filed as a precautionary measure to safeguard the interest of the petitioner, so that if any complaint is lodged, Police may not take any action against him.

5. In view of the specific statement made in the written instructions that respondent Nos. 2 and 3 have nothing to do with the civil disputes between the petitioner and respondent No.4, this Court is of the opinion that no further orders are required in the Writ Petition.

6. Accordingly, the Writ Petition is closed by placing the written instructions on record.

7. At this stage, learned counsel for the petitioner submits that without initiating any proceedings and without registering any crime, respondent Nos. 2 and 3 are interfering in his construction activity highhandedly. If that be so, it is always open for the petitioner to initiate appropriate proceedings as per law.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

P. KESHA VA RAO,J

Date: 22.11.2018

KPM

