

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.10365 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief:

“..to issue a writ, order or a direction more particularly one in nature of Writ of Mandamus declaring the action of the respondents 2 to 4 in interfering with the possession and enjoyment of civil disputes between the petitioners and respondents No. 8 and 9 by interfering with the possession and enjoyment of petitioners of the property in an extent of 900 square yards and 300 square yards respectively in Survey No 142 (Out of 0.34 cents) of Mangalagiri Village and Mandal, Guntur District at the instance of respondent No. 8 and 9, as arbitrary, illegal and high handed and violative of Article 14, 19, 21 and 300-A of the constitution of India and to pass such other order or orders in the interest of justice.”

2. I have heard the submissions of the learned counsel for the petitioners and of the learned Government Pleader for Home (A.P.) appearing for respondents 1 to 4. I have perused the material record.

3. Learned counsel for the petitioners would submit that respondents 2 to 4- police officers and respondent No.5 - the Tahsildar, Mangalagiri Mandal, are interfering with the possession and enjoyment of the petitioner over 900 square yards and 300 square yards respectively (out of Ac.0.34 cents) in Survey No.142 of Mangalagiri Village and Mandal, Guntur District, at the instance of respondents 8 and 9; that this

Court, by order, dated 25.11.2016, in W.P.No.40990 of 2016, filed by the predecessor in title of the petitioners, directed the respondents therein including the revenue officers to give prior notice to the petitioner therein in case they intend to change the name of the petitioner in the revenue records, if it exists in the revenue records; that the second petitioner herein filed a civil suit - O.S.No.130 of 2015 before the Principal Junior Civil Judge at Mangalagiri, against one Kunchala Krishna Kumar and two others in respect of Ac.0.34 ½ cents of land in Survey No.142 of Mangalagiri Village and Ac.0.13 cents of land in Survey No.143/4 of Mangalagiri Village; that the said suit between the family members has ended in a settlement before the Lok Adalat at Mangalagiri; that the police officers, at the behest of the unofficial respondents herein, are addressing letters to the Tahsildar concerned and they are also seeking information from the Tahsildar concerned by phone messages as regards civil dispute; that the said threat is evident from the letter, dated 14.12.2017, addressed by the Tahsildar, Mangalagiri, to the Station House Officer, Mangalagiri Urbna Police Station, and the letter of the said officer, dated 09.03.2018, addressed to the Station House Officer, Mangalagiri Urban Police Station; and, that therefore, it is evident from the said letters that the police are interfering with civil disputes.

4. The learned Government Pleader for Home, on written instructions, dated 28.03.2018, a copy of which is placed on

record, would submit that a private complaint was lodged by the 8th respondent before the Judicial Magistrate of First Class, Mangalagiri, against the father of the second petitioner and five others; that the said complaint was referred to the Mangalagiri Town Police Station, Guntur Urban District; that based on the said complaint, a case in Crime No.149 of 2015 was registered, on 22.06.2015, for the offences punishable under Sections 404, 405, 416, 420, 423, 424, 425, 463, 464, 506, 509 r/w 34 of the Indian Penal Code and Section 156(3) of the Code of Criminal Procedure, 1973; that the first petitioner herein is arraigned as A.3 in the said crime; that investigation into the said case is in progress; that based on the complaint given by one Samkura Sarala Bindu, a case in Crime No.37 of 2018 was registered against respondents 8 and 9 herein, on 20.02.2018, for the offences punishable under Section 506 read with Section 34 I.P.C. and Section 3(1)(r)(s) of SCs & STs (POA) Amendment Act, 2015; that investigation into the said crime was taken up by the Deputy Superintendent of Police and it is in progress; that based on the complaint given by one S. Purnachandra Rao, a case in Crime No.39 of 2018 was registered against the father of the second petitioner and others, on 21.02.2018, for the offences punishable under Sections 144, 447, 506 r/w Section 149 I.P.C.; and, that investigation into this crime is also in progress. He would further submit that during the course of investigation into the said crimes, the Investigating Officers

concerned called for the necessary information from the revenue officers; that necessary information is received; that when a call is made to Telephone Number '100', the police are required to respond and do the needful in the matter; that in that view of the matter, the allegations in the writ petition are false; and, that respondents 2 to 4 never interfered with the civil disputes, much less, the possession and enjoyment of the petitioner over the subject land, at the instance of respondents 8 and 9 and that all the allegations are invented.

5. Learned counsel for the petitioners, in reply, would submit that the first crime i.e., Crime No.149 of 2015 is of the year 2015 and the same is kept pending without completing investigation and that it is being pressed into service for the sake of interference in civil disputes at the instance of respondents 8 and 9 and that the submissions of the police officer made through the learned Government Pleader for Home are not *bona fide* and therefore, necessary directions may be given to respondents 2 to 4 not to interfere with the civil disputes while investigating into the aforestated crimes.

6. I have given earnest consideration to the facts and submissions.

7. It is needless to state that the law is well settled that the police officers are not supposed to interfere with any civil disputes whatsoever; that if the complaint received by the police officers is of civil in nature, they are required to relegate the parties, after preliminary enquiry, if necessary, to

a civil forum, by giving a suitable advise, and they are not supposed to interfere with such civil disputes, particularly, if they are related to the immovable properties and the matters are subjudice and are being agitated before either Civil Courts or Revenue Fora. Further, as rightly pointed out by the learned counsel for the petitioner, Crime No.149 of 2015 is kept pending without completion of investigation and that the same is not appreciable in the facts and circumstances of the case.

8. In that view of the matter, the writ petition is disposed of directing respondents 2 to 4 not to interfere with the civil disputes between the petitioners and the unofficial respondents herein while investigating into the aforesaid three crimes in accordance with the procedure established by law. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

Date: 11.04.2018

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