

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.1743 of 2016

ORDER:

The inaction of respondent No.3, in allowing to run the rice mill situated at Door No.10-108, Chebrolu village, Gollaprolu Mandal, East Godavari District, is questioned in the Writ Petition as being illegal and arbitrary.

Brief facts of the case are that the petitioner claims to be the owner of land admeasuring 399 sq. yards situated at Door No.10-108, Chebrolu village, Gollaprolu Mandal, East Godavari District, having purchased in the year 2005; he has been paying house tax regularly, and had electricity connection; respondent No.4 filed a suit in O.S.No.32 of 2013 on the file of Senior Civil Judge, Pithapuram, for declaration that he is the owner of subject house; and respondent No.4 started harassing to close the rice mill in view of civil disputes pending between them. Petitioner's grievance is that, respondent No.3, at the behest of respondent No.4, came to the subject premises on 04.01.2016, warned his son to close the mill and asked his son to come to the police station on 05.01.2016 and made him sit from 10.00 A.M. to 8.00 P.M; and he, therefore, seeks a direction to respondent No.3 not to interfere in running the mill.

In the counter affidavit filed by respondent No.3, it is stated that respondent No.4 lodged a complaint on

18.01.2016 alleging that while part of land was sold to the petitioner, remaining portion was leased; when respondent No.4 asked to vacate, the petitioner refused to vacate from the leased property and tried to construct a building and develop rice mill, he, therefore, filed O.S.No.32 of 2013; and, as civil disputes are pending between petitioner and respondent No.4, they asked to approach the Civil Court for redressal. The allegations, of harassing and interfering with the business activity of the petitioner and not allowing him to run the rice mill and that he came to the rice mill on 04.01.2016, and directed to close down the mill and detained his son in the police station, are denied by respondent No.3.

The allegation of harassment and interference of respondent No.3 with the business activity of the petitioner has since been denied and, obviously, civil litigation is pending between petitioner and respondent No.4, police are directed not to interfere in the civil matters.

With the above observation, the Writ Petition stands disposed of.

Miscellaneous petitions, if any pending, shall stand closed.

GUDISEVA SHYAM PRASAD, J

Date:24.04.2018
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