

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.12511 of 2018

ORDER:

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

“..to issue a Writ, Order or Direction more particularly one in the nature of ‘Writ of Mandamus’ declaring the action of the Respondent No.2 in interfering into the civil dispute between the Petitioner and the Respondent Nos.3 and 4 relating to Double Storied House constructed over Plot No.52 in Sy. Nos.84 & 100, Surangal Village, Moinabad, Grampanchayat and Mandal Ranga Reddy District, as illegal, and arbitrary in the interest of justice and may pass such other Order or Orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of the learned counsel for the petitioner and of the learned Government Pleader for Home (Telangana) appearing for respondents 1 and 2. I have perused the material record.

3. Learned counsel for the petitioner would submit that the petitioner is the younger brother of the third respondent; that the fourth respondent is the wife of the third respondent; that the petitioner is the owner of the house constructed over Plot No.52 in Survey Nos.84 and 100, Surangal Village, Moinabad Grampanchayat and Mandal, Ranga Reddy District, having purchased the same under a registered sale deed, dated 29.02.2008; that out of love and affection, the petitioner permitted the third respondent to stay in the second floor of the subject house; that in view of the civil disputes between the petitioner and respondents 3 and 4 with regard to the subject house, the police are calling the

petitioner to the police station and interfering with the civil disputes; that a legal notice was already issued to respondents 3 and 4 for eviction; and, that the petitioner is contemplating to file a civil suit for recovery of possession of the subject property.

4. Learned Government Pleader for Home, on written instructions, dated 10.04.2018, a copy of which is placed on record, would submit that based on the report of the fourth respondent, a case in Crime No.135 of 2018 was registered against the third respondent for the offences punishable under Section 498-A and 506 of the Indian Penal Code, on 21.03.2018; that investigation into the said crime is in progress; that the respondent police never called the petitioner to the police station; that to divert the attention of the Investigating Agency and to prevent conduct of proper investigation into the said case, the present writ petition is filed by the petitioner, who is none other than the brother of the third respondent.

5. Recording the submissions, the writ petition is disposed of directing the second respondent not to call the petitioner to the police station unless a crime is registered against him and that too without following the due 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: 12.04.2018
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