

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.13901 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 any writ order or direction more in the nature of Writ of Mandamus declaring the action of the respondents 2 and 3 herein in interfering with the civil disputes pending between the petitioner and the 4th respondent herein in respect of land to an extent of Ac.0-15 ½ Guntas in Sy.No.52 situated at Kyathanpally revenue village Mandamarri Mandal, Mancherial District, and calling the petitioner to the police station and harassing to settle the dispute with the 4th respondent as illegal, arbitrary and contrary to law and consequently direct the respondents 1 to 3 herein not to interfere in the civil disputes between the parties in respect of above land without following due process of law.”

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

3. At the hearing, learned counsel for the petitioner would submit as follows:

The petitioner filed a suit in O.S.No.78 of 2016 on the file of Principal Junior Civil Judge, Mancherial, for declaration of title and perpetual injunction against the 4th respondent herein and three others in respect of certain landed property, the details of which are mentioned in the schedule annexed to the plaint in the said suit. After full fledged trial, the said suit was decreed, on 23.01.2018. No appeal has been preferred assailing the judgment

and decree in the said suit. The judgment and decree of the trial Court have become final and binding on the parties. On the complaint of the 4th respondent, a crime was registered by the Station House Officer, Ramakrishnapur Police Station, 2nd respondent herein, against the petitioner for the offence punishable under Section 420 I.P.C. The petitioner also approached Human Rights Commission and lodged a complaint, on 28.10.2017, against the 4th respondent and others. The respondents 2 and 3 are interfering with the civil disputes pending between the petitioner and the 4th respondent in respect of the land, which is covered by the decree in the civil suit, in favour of the petitioner. Hence, the present writ petition is filed to direct the respondents 2 and 3 not to interfere with the civil disputes and not to call the petitioner to the police station and harass him to settle the dispute with the 4th respondent.'

4. Learned Government Pleader for Home, on written instructions, dated 19.04.2018, a copy of which is placed on record, would submit that basing on the complaint of one G.Mallikarjuna Rao, a case in Crime No.53 of 2018 was registered, on 13.04.2018, against the petitioner and others for the offences punishable under Sections 447, 290, 427 and 506 I.P.C., and that the police officer is only investigating into the aforesaid crime; that the police officers never interfered in the civil disputes between the petitioner and the 4th respondent; and, the petitioner was never harassed by the respondents 2 & 3 as falsely alleged in the writ petition.

5. Recording the submissions, and taking into consideration the submission that the decree in the civil suit has become final, the respondents 2 and 3 are directed not to aid the acts, if any, of the 4th respondent/Malloju Nageshwar Rao, in respect of the property covered by the decree for perpetual injunction in favour of the petitioner. However, this order shall not preclude the police officers from properly and fairly investigating into the crime aforestated by following the procedure established by law. There shall be no order as to costs.

Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE M.SEETHARAMA MURTI

Date: 23.04.2018
AMD



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DATE: 23.04.2018

AMD