

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.15737 of 2018

ORDER:

In this Writ Petition, under Article 226 of the Constitution of India, the writ petitioner is assailing the action of the respondents 2 to 5 in interfering with the possession and enjoyment of the petitioner over land in Survey No.193/A, admeasuring 7.09 guntas, situated at Chimiryala Village, Kodada Mandal, Suryapet District, at the instance of the 6th respondent, despite the petitioner successfully obtaining an order of temporary injunction, dated 21.09.2017, in I.A.No.229 of 2016 in O.S.No.107 of 2016, on the file of the Senior Civil Court, Huzurnagar.

2. I have heard the submissions of Sri *A.Prabhakar Rao*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Home (Telangana), appearing for the respondents 1 to 5. I have perused the material record.

3. At the hearing, learned counsel for the petitioner submits that at the instance of the 6th respondent, the Police Officers/respondents 2 to 5 herein are not allowing the petitioner to cultivate the land, which is the subject matter of the civil suit in respect of which the petitioner is having a temporary injunction order, which has become final and, hence, the writ petition is filed.

4. Learned Government Pleader for Home, on written instructions, dated 27.04.2018, a copy of which is placed on record, would submit that on the report lodged by the 6th respondent, a case in Crime No.337 of 2016, was registered, on

29.10.2016, by the Station House Officer, Kodad Rural Police Station, Suryapet District/2nd respondent herein, against the petitioner herein for the offences punishable under Sections 120(B), 447, 427 & 506 read with 34 of Indian Penal Code, 1860, and that on the complaint of the petitioner herein, which was referred by the learned Judicial Magistrate of First Class, Kodad, a case in Crime No.413 of 2016 was registered against the 6th respondent, on 24.12.2016, for the offences punishable under Sections 447, 427, 379 read with 34 of Indian Penal Code, 1860, and that except conducting investigation into the afore-stated crimes, no interference as alleged is being caused by the Police Officers and that the writ petition is filed with invented allegations. It is also submitted by the learned Government Pleader for Home that on the complaint of one Eedara Bhaskar Rao, the Police of Kodad Riral Police Station, also registered a case in Crime No.368 of 2017 against the petitioner and others, for the offences punishable under Sections 447 and 427 read with 34 of Indian Penal Code, 1860, as it was alleged in the said complaint that the acts of criminal trespass were committed in respect of Ac. 2.11 guntas of land in Survey No.191.

5. Recording the submissions of the learned Government Pleader for Home that the Police Officers are only conducting investigation into the afore-stated three crimes, but are not interfering with the possession of the petitioner over the land mentioned by the petitioner, the Writ Petition is disposed of. However, liberty is reserved to the petitioner to obtain necessary orders for police aid from the civil Court before which the civil suit is pending. There shall be no order as to costs.

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

M.SEETHARAMA MURTI, J

Date: 30th April, 2018

Note: Issue C.C. in two (02) days.

(B/o.)
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Date: 30th April, 2018

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