

HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No. 26484 of 2013

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader appearing for the respondents 1 to 3.

The prayer sought in the writ petition is as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Court may be pleased to issue a writ, order or direction more particularly in the nature of writ of mandamus declaring the action of the respondents Nos. 1 to 3 in not considering the complaint dated 08.07.2013 and not taking action against respondent No. 4 and their henchmen is arbitrary and illegal and consequently issue a direction to the respondents Nos. 1 to 3 to consider the complaint dated 08.07.2013 and take necessary action against respondent No. 4 as per law and to grant such other relief or reliefs as this Court may deem fit and proper in the circumstances of the case.”

The specific case of the petitioner is that he purchased an agricultural land to an extent of Ac.12.00 guntas in Sy.No.535 at Sarampally village. Since the said land was in dispute, he filed a suit in O.S.No.15 of 2007 against one Koda Lachiah and others before the learned District Judge, at Karimnagar. The said suit is pending consideration. Pending the suit, he filed an application in IA.No.95 of 2007 for injunction and the said interlocutory application was allowed granting ad-interim injunction in his favour on 30.05.2007. When one Gundlapalli Siniva tried to construct a house in the said land, he lodged a complaint leading to registration of Crime No.251 of 2009 dated 08.06.2009. However, the said proceedings were not quashed by this Court in Crl.P.No.5558 of 2008 dated 09.07.2010. Subsequently, when the 4th respondent interfered with the peaceful possession over the said property, she lodged a complaint on

08.07.2013 requesting the third respondent to take appropriate action. Since no action was taken, the present writ petition is filed.

Learned Government Pleader appearing for the respondents 1 to 3, filed counter affidavit of third respondent whereunder it is stated that Srilla police enquired into the complaint dated 08.07.2013 of the petitioner. On enquiry it was revealed that the matter is civil in nature and the subject matter of the complaint is already ceased of by the competent civil Court in O.S.No.15 of 2007. Therefore, the respondent police have suggested the petitioner to approach the civil Court for redressal.

In the light of the said statement made in the counter affidavit, the grievance of the petitioner that the respondent police have not taken any action, cannot be countenanced. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. It is needless to observe that if the ad-interim injunction orders granted in favour of the petitioner are in any way violated, it is always open for her to invoke the provisions of Order XXXIX, Rule 2(a) of CPC as per law. There shall be no order as to costs.

Miscellaneous petitions, if any, shall also stand closed.

P. KESHAVA RAO, J

Date: 29.11.2018
ccm

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