

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No. 2531 of 2016

ORDER:

The Writ Petition is filed by the petitioner declaring the action of respondent Nos.3 to 5, in interfering with his possession and enjoyment of land admeasuring Ac.0.12 cents consisting of cattle sheds, hayrick in R.S.No.27 of Bhiravapatnam Village, Mandavalli Mandal, Krishna District, as illegal and arbitrary.

In the affidavit filed in support of the Writ Petition, petitioner states that respondent No.6 is his mother and respondent No.7 is his sister; his father late K.Bhaskara Rao purchased an extent of Ac.0.24 cents under a registered sale deed dated 11.03.1968 and alienated an extent of Ac.0.10 cents under registered sale deed; the remaining extent of Ac.0.14 cents is being used for agricultural operations; after the death of his father and since the house was in dilapidated condition, his mother and sister moved to a rented house, and a shed was raised in Ac.0.02 cents, and had been using the remaining extent of Ac.0.12 cents. Petitioner's grievance is that, respondent No.5, along with three constables, came to the subject site on 23.01.2016, created lot of nuisance and directed to remove the cattle shed, hayricks and other agricultural utensils and vacate within three days therefrom; when

questioned, respondent No.5 informed that based on the complaint of respondent Nos.6 and 7, the Human Rights Commission passed an order to evict him from the subject site; and, he, therefore, questions the interference of respondent No.5 in civil disputes between him and respondent Nos.6 and 7.

In his counter, respondent No.5 (Station House Officer, Mandavalli Police Station, Krishna District) would state that, on the complaint of respondent Nos.6 and 7, the Sub-Inspector of Police, Mandavalli Police Station, along with Tahsildar, Mandavalli, visited the subject site and submitted a report dated 24.01.2016 to the Superintendent of Police, Krishna District; the enquiry revealed that petitioner threatened his mother and sister with dire consequences; the petitioner did not cooperate with police and the Tahsildar, Madavalli; the petitioner had no connection with the subject land; he received communication from respondent Nos.2 to 4 to evict petitioner from the said site as per the orders of the Human Rights Commission; and respondent Nos.2 to 5 never interfered with the petitioner's possession in respect of the subject land.

In the facts and circumstances of the case, as part of enquiry, police have visited the site of the petitioner only to implement the orders of Human Rights Commission and as

there is no interference by police into the civil rights of the petitioner, no relief can be granted to the petitioner.

The Writ Petition fails and is, accordingly, dismissed.

Miscellaneous petitions, if any pending, shall stand closed.

GUDISEVA SHYAM PRASAD, J

Date:24.04.2018

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