

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.20585 of 2018

ORDER:

This writ petition is filed with the following prayer:

“..... to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 4th respondent in interfering in civil matter and not allowing the petitioner to proceed with construction at the premises bearing D.No.6-1-65/1/1 Sri Puram colony, K.T.Road, Tirupathi town as illegal, arbitrary and without any authority and consequently direct the 4th respondent not to interfere with the construction at the premises bearing D.No.6-1-65/1/1 Sri Puram colony, K.T.Road, Tirupathi town, and pass such other or further order or orders as deem fit and proper in the circumstances of the case.”

Learned Assistant Government Pleader for Home produced written instructions on behalf of the respondent-police stating that basing on the complaint of the petitioner, a case in Cr.No.195 of 2018 was registered against the 5th respondent and 20 others. The allegation of the petitioner that at the instance of the 5th respondent, the 4th respondent has summoned the petitioner to the police station is denied.

The case of the petitioner is that he filed suit in O.S.NO.536 of 2015 for declaration of title and permanent injunction and the same was decreed on 22-03-2017 against the 5th respondent and another and thereafter the 5th respondent filed O.S.No.58 of 2018 and notice was issued in

the injunction petition in the said suit and counter is filed by the petitioner and the matter is pending.

In this case, the writ petition is directed against the 4th respondent and the 4th respondent denies that he has stopped the construction and also he is interfering with the construction made by the petitioner. This writ petition is not filed for deciding the *interse* disputes between the petitioner and the 5th respondent. As the matter is already pending before the civil Court, it goes without saying that the 4th respondent cannot interfere with the disputes nor stop the construction activities of the petitioner.

In view of the same, the writ petition is disposed of directing the 4th respondent not to interfere with the civil disputes and also construction made by the petitioner. However the petitioner and the 5th respondent shall work out their remedies in the civil Court. However, this order will not preclude the respondent-police from investigating into any offence.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

11-07-2018
Nvl



