

HON' BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.31429 of 2016

ORDER:

This writ petition is filed for a writ of mandamus, to declare the action of 3rd respondent-Station House Officer, Gonegandla Police Station, Kurnool District, in interfering in civil disputes between the writ petitioners and 4th respondent in connection with the land in an extent of Ac.3.63 cents in Survey No.33 of Iranbanda village, Gonegandla mandal, Kurnool district.

2. Brief facts of the case, as per the affidavit filed by the writ petitioners, are that the petitioners belong to Scheduled Caste community and landless poor. The 4th respondent was assigned an extent of Ac.3.63 cents land in Survey No.33 of Iranbanda village through a D-Form Patta by the then Tahsildar on 31.01.1978, but the 4th respondent has not cultivated the land and left it barren. It is the case of the petitioners that the 4th respondent approached the father of the petitioners and requested to take the land for a consideration of Rs.2,000/-, and the father of the petitioners paid Rs.2,000/- to the 4th respondent and took possession of the land. The father of the petitioners has spent huge amount in making the land fit for cultivation. The petitioners have spent about Rs.60,000/- for laying

borewells and Rs.60,000/- for electric pumping motor in the land, and also spent Rs.15,000/- for getting electricity connection to the land. It is their further case that the 4th respondent has never approached the revenue officials for restoration of land to him since 1978 and that the 4th respondent is not a native of Iranbanda village and he is residing in Kulumala village, and that when the revenue authorities tried to dispossess the petitioners from the land, they filed W.P.No.24811 of 2016 before this Court and this Court gave an interim direction to the Revenue Divisional Officer, Adoni, and also the Tahsildar, Gonegandla, not to dispossess the petitioners. It is alleged that the 4th respondent is influencing the revenue authorities and police officials to dispossess the petitioners from the land and that the 3rd respondent-SHO, Gonegandla P.S., is interfering in the civil disputes of the petitioners with the 4th respondent, by calling the petitioners to the police station and threatening to settle the matter.

3. Heard the arguments of learned counsel for the petitioners, and the learned AGP (Home) representing the State (AP).

4. Learned AGP (Home) submits that the writ petition is of the year 2016, and the interim direction granted in the

W.P.No.24811 of 2016 serves the purpose of filing the present writ petition.

5. This Court in **Darapaneni Krishna Murthy v. Superintendent of Police and Ors.**¹, held as under:

“7. In a society governed by rule of law, the State or its subordinates cannot be permitted to act in a manner, which would violate the constitutional or legal rights of its subjects. If the allegations contained in the affidavit are true, the action of the respondents is in flagrant violation of the life and liberty of the petitioner guaranteed by Article 21 of the Constitution of India. It is no part of the duty of the respondents to interfere with the civil disputes between two private parties unless the Court of competent jurisdiction directs granting of aid to comply with the orders of the Court.”

6. In the light of the decision of this Court in **Darapaneni (1 supra)**, the writ petition is disposed of by directing the respondents not to interfere in the civil disputes of the petitioners with the 4th respondent. No costs. Miscellaneous petitions, pending if any, shall also stand disposed of.

GUDISEVA SHYAM PRASAD, J

26th April, 2018

KSM

¹ 2008 (4) ALD 105

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