

HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No. 4644 OF 2016

ORDER :

The petitioner has filed the present writ petition seeking a declaration in the nature of writ of mandamus to declare the action of respondent No.3 in interfering and threatening him in civil disputes of the petitioner by calling him to the Police Station in respect of a Plot No.10 in survey No. 180, admeasuring 350 sq.yards, situated at Kukkatpally village, Balanagar Mandal, Ranga Reddy district, as illegal and arbitrary.

2. Heard the learned counsel for the petitioners and respondent No.4 and learned Assistant Government Pleader for Home.

3. The case of the petitioner is that he purchased a Plot bearing No.10 in Survey No.180, admeasuring 180, admeasuring 350 sq.yards, situated at Kukkatpally village, Balanagar Mandal, Ranga Reddy district through registered sale deed, vide document No.11079 of 2015, dated 30/11/2015 from Smt.Baddam Arundathi, Smt. Loka Sujani and Smt.Laxmi. The said plot was said to have been purchased by Smt. Late Susheela Devi, vide document No. 1669/1987 through registered sale deed. Subsequently, Smt.Susheela Devi died intestate on 09/6/2015 leaving behind the vendors of the petitioners, who were her legal heirs. Since the date of purchase of the plot, the petitioners have been in peaceful possession and enjoyment without any interference of any body.

4. It is the further case of the petitioners that fourth respondent, who is un-official respondent without any authority or document threatening, he has close contacts with the K.P.H.B. Police i.e., third respondent herein and he would implicate them in criminal cases. It is the further case of the petitioners that the third respondent came to the said plot on 03/02/2016 and 07/02/2016 and called the petitioners to the Police Station and made him to sit in the Police Station from morning to evening at the instance of the fourth respondent. Therefore, the petitioner has filed the present writ seeking a direction to the Police not to interfere in the civil matters by calling them to the Police Station.

5. The learned counsel for the petitioner submits that fourth respondent has filed his counter. It is stated in the counter that the fourth respondent along with co-purchasers sold the property by way of registered sale deed dated 05/11/2015. The learned counsel for the fourth respondent submits that the fourth respondent has purchased the property from Mrs. Susheela Devi and others on 18/11/2000.

6. Heard the arguments of the learned counsel for the respondents 4 and 5.

5. The respondent No.5 has filed his counter in the implead petition stating in para No.5 that the vendors of the petitioner-company i.e., respondent No.4 and others have purchased the said land under unregistered sale deed dated 18/11/2000 by an agreement of sale dated 17/1/1993. Therefore, the submission of

the learned counsel for the fourth respondent is that respondent No.5 has purchased the property from respondent No.4.

6. The learned counsel for the respondents 4 and 5 basing on the averments made in their counters have submitted that the respondent No.5 has purchased the property from respondent No.4 and that they are absolute owners of the property.

7. The learned Assistant Government Pleader for Home submits that the Police have never interfered in the civil disputes between the petitioner and respondents and called them to Police Station except for the purpose of investigation in respect of Crime No.142 of 2017. The crime has been registered basing on the private complaint referred by the Magistrate under section 156 [3] Cr.P.C., by the Police as Crime No. 142 of 2017.

8. On consideration of the submissions of learned counsel for the petitioner and respondents, it is obvious that there are civil and criminal proceedings going on between the parties. The Police might have called the petitioners to the Police Station in connection with Crime No.142 of 2017, as the FIR was also in respect of the dispute pertaining to the property in survey Nos. 180, 197 and 200 in Bhagyanagar Co-operative Housing Society, Kukkatpally, Balanagar Mandal, Ranga Reddy district. Time and again this Court and the Hon'ble Supreme Court has given a direction to the Police not to interfere in the civil matters. Though it is stated by Assistant Government Pleader for Home that Police have not called the petitioners in respect of crime registered in this

case and not in respect of the civil disputes. It is the allegation of the petitioners that the petitioners were called to the Police Station and pressurizing them to settle the matter in the month of February, 2017 and made them to sit in the Police Station. Admittedly, civil and criminal cases are pending and there is obligation on the part of the Police to call the petitioners to the Police Station in criminal matters for the purpose of investigation.

9. In view of the facts and circumstances of the case, the Police concerned are directed to follow the directions of the Hon'ble Supreme Court in **LALITHA KUMARI V/s. GOVT. OF UTTAR PRADESH**, reported in [2014] 2-SCC-1 and the directions given by this Court in **DARAPANENI KRISHNA MURTHY V/s. SUPERINTENDENT OF POLICE AND ORS.**, reported in 2008 [4] ALD-105 and the circulars issued by the concerned Police Department while investigating the matters.

10. With the above observation, this writ petition is disposed of. No costs.

11. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand disposed of.

JUSTICE GUDISEVA SHYAM PRASAD

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