

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN**

AND

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL No.938 of 2018

JUDGMENT: *(Per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

We have heard the learned counsel for the appellant, learned counsel for respondent Nos.1 and 2 and the learned Government Pleader for Home appearing for respondent Nos.3 to 7.

2. Respondent Nos.1 and 2 herein filed W.P. No.21788 of 2018 seeking a direction to the official respondents to act in accordance with law and forbear from interfering with the civil dispute concerning the land admeasuring Acs.11.18 guntas out of Acs.16.20 guntas in Survey No.376 of Kukatpally Village, Balanagar Mandal, Ranga Reddy District.

3. At the stage of admission of that writ petition, the learned single Judge noticed the submissions on behalf of the official respondents that on the basis of the complaint of the writ petitioners, two cases were registered against respondent No.5, which is the appellant herein. Recording that submission, the learned single Judge ordered the writ petition directing that the police are not precluded by that order from investigating into the crimes registered and to take action. The learned single Judge also recorded the submissions on behalf of the official respondents that the police never interfered with the civil

disputes and never threatened the writ petitioners that the fencing, which is already existing, would be removed.

4. While the learned counsel for the appellant submitted that the learned single Judge had disposed of the writ petition without issuing notice to the appellant, we think that all that is required, in terms of ends of justice, is to ensure that the rights of the appellant and respondent Nos.1 and 2, who are before the civil Court, are protected in such a way that they would abide by the decision of the civil Court and the police will not interfere in such civil disputes. It has also to be ensured that the police would be within authority to take cognizance of any complaint by either of the parties and to proceed in accordance with law. However, they shall not involve in any civil disputes, if it is found that the complaint made before the police is only in relation to civil disputes and does not disclose any cognizable offence. The impugned order of the learned single Judge is clarified to the aforesaid effect.

5. The Writ Appeal is ordered accordingly. No order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

RAMESH RANGANATHAN, J

July 18, 2018.

v v/p v