

HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No. 30373 of 2014

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Home appearing for the respondents 1 to 4.

2. The prayer of the writ petition is as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Court may be pleased to issue any appropriate writ, order or direction more particularly in the nature of writ of mandamus, declaring the action of the Respondents 2 to 4 in interfering with the civil dispute pertaining to the property i.e. open plot to an extent of 182 Sq. Yards situated in Survey No. 1/2A Ramakrishna Nagar, Judgigari Thota Gopalapatnam Villagel, Visakhapatnam District, as illegal, arbitrary and against the principles of natural justice and consequently direct the respondents 1 to 4 not to interfere with the civil disputes pertaining to the said property and pass any other order or orders as this Court may deem fit and proper in the circumstances of the case.”

3. Learned counsel appearing for the petitioner strenuously contended that the respondents 2 to 4 are interfering with the civil dispute pertaining to the property i.e. open plot to an extent of 182 Sq. Yards situated in Survey No. 1/2A Ramakrishna Nagar, Judgigari Thota Gopalapatnam Village, Visakhapatnam District. The learned Government Pleader for Home appearing for the respondents 1 to 4 filed counter-affidavit of 4th respondent. In the said counter, the 4th respondent has stated that upon receipt of a private complaint under Section 156(3) Cr.P.C., a case in Crime No.117 of 2012 under Sections 420, 468, 471 r/w 34 IPC came to be registered on

25.05.2012. During the course of investigation, since prima facie case was established against the petitioner and others, charge sheet was filed. The Court below after taking cognizance of the offences, numbered the case as C.C.No.427 of 2012. It is also stated in the counter-affidavit that the respondents-police never interfered with the civil dispute pertaining to the property i.e. open plot to an extent of 182 Sq. Yards situated in Survey No. 1/2A Ramakrishna Nagar, Judgigari Thota Gopalapatnam Village, Visakhapatnam District. In fact, the respondents-police discharged their legitimate duties and maintaining the law and order to keep the peace and tranquility in the area. Investigating into a crime does not mean interference and harassment by the respondents-police. In fact, the police advised the petitioner to approach an appropriate civil Court for redressal.

In the light of the specific statements made in the counter-affidavit, this Court is of the opinion that no further orders are required in the writ petition.

Accordingly, the writ petition is closed. There shall be no order as to costs.

Miscellaneous petitions, if any, shall also stand closed.

P. KESHA VA RAO, J

Date:06.11.2018
ccm

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Ccm