

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.27757 of 2018

ORDER:

The alleged interference of the police authorities in respect of the land in Sy.No.92/aa1/2a and 3a, aa2/2a & 3a, aa3/1&2, and aa4/1a situated at Himayatnagar village, Moinabad Mandal, R.R. District admeasuring an extent of Ac.2-28.5 gts is under challenge in the present writ petition.

2. A counter affidavit deposed by the Inspector of Police, Moinabad Police Station, Cyberabad Commissionerate is filed stating that on the basis of the complaint made by the fourth respondent, police registered a case in Cr.No.231 of 2018 under Sections 419, 420, 468, 471, 120 (b) and 471 (A) IPC dated 28.05.2018 wherein the petitioner is shown as Accused No.1. It is further stated at paragraph No.8 of the said counter affidavit that except registration of the above crime on the cognizable complaint of the 4<sup>th</sup> respondent herein and proceeding with the investigation into the case as prescribed by law, this respondent never dispossessed the petitioner from the subject lands in question. It is further submitted that the respondent police are not the competent authorities to dispossess the petitioner from the lands in question.

3. It is also the submission of the learned counsel for the petitioner during the course of the arguments that the respondent police authorities seized the container and kept it before the police station. While answering the said averment, it is stated in the counter affidavit at paragraph No.3 that the investigation officer seized the container under cover of panchanama and the same was deposited before the concerned Court. It is also submitted by the learned counsel for the petitioner that the petitioner herein has also instituted suit for injunction.

4. In view of the above said averments, this writ petition stands disposed of, by placing on record the said averments and leaving it open for the petitioner herein to pursue civil remedy already availed and it is also open for the petitioner herein to move an appropriate application for release of the container before the concerned magistrate. It is also made clear that the respondent police are entitled to proceed further with the investigation, in accordance with law. As a sequel, the miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:25.10.2018  
grk



THE HON'BLE SRI JUSTICE A.V.SESHA SAI



W.P.No.27757 of 2018

Dated: 25.10.2018

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