

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.11643 OF 2013

ORDER:

Heard the learned counsel appearing for the petitioner and the learned Government Pleader appearing for the respondent Nos.1 and 2.

The prayer sought for in the writ petition is as under:

“to issue a writ of mandamus declaring the action of the respondents more particularly respondent Nos.2 and 3 as arbitrary, illegal, high handed, unconstitutional and dereliction of duty in interfering into the civil disputes in respect of premises bearing No.5-3-329 and 330, situated at M.G.Road, Secunderabad, in spite of obtaining interim order from competent civil Court by its order dated 8-4-2012 in I.A.No.286 of 2013 in O.S.No.192 of 2013 on the file of 1st Junior Civil Judge, City Civil Court at Secunderabad, and consequently direct the respondent No.2 and 3 not to interfere into the said premises.”

The respondent No.2 filed a counter affidavit denying the allegations made in the writ petition and contended inter alia that they are not interfering with the civil disputes between the parties. In fact, on the complaint of one Smt. Shanta Govindaraj on 14.04.2013 stating that her ex-tenant i.e. the petitioner herein has been evicted on 21.3.2013 by the Court Bailiff pursuant to the eviction order passed on 23.11.2012 and he was given three months' time to vacate but he did not vacate the premises. However, on 11.04.2013, the petitioner illegally broken the compound wall around 7.00 p.m. to 9.00 p.m. and forcibly occupied her building and criminally trespassed into the premises.

In that connection, a case in Crime No.85 of 2013 under Sections 448, 427, 506 I.P.C. was registered. During the course of investigation, the 2nd respondent found a prima facie case and took steps for apprehension of the petitioner. However, the petitioner, anticipating his arrest, filed the present writ petition with all baseless and irrelevant allegations.

Though a detailed counter affidavit has been filed, no reply is filed by the petitioner. Since a crime has already been registered, it is open to the 2nd respondent to follow the mandatory procedure as contemplated under Section 155 of Cr.P.C. and file a charge sheet. Therefore, in the light of the averments made in the counter affidavit, no further orders are required in this writ petition.

Accordingly, the writ petition is closed. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

P.KESHAHA RAO,J

06th NOVEMBER 2018.

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