

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.35539 of 2018

ORDER:-

When the matter is taken up, the written instructions furnished by the Station House Officer, Malkapuram Police Station, Visakhapatnam District, dated 26.10.2018, are placed on record by the learned Government Pleader. The said instructions read as under:-

“It is pertinent to mention here that in connection with the disputed property, both the petitioners and the 6th respondent herein have been claiming ownership. In connection with the said dispute, both the parties approached competent Civil Court and the issue has been pending vide O.S.No.348/2018 on the file of the Hon'ble III-Additional Junior Civil Judge, Visakhapatnam. Though the same is pending before the competent Civil Court, both the parties have been trying to occupy the said disputed property. In such circumstances, they have been creating nuisance and panic situation in the vicinity and also caused damage to public peace and tranquility.

It is submitted that in view of the said circumstances, the 4th respondent herein registered a case in crno130/2018 against both the parties for the offences under Sections 107 and 145 Cr.P.C. with a view to restrain the parties from causing hardship to the public. Further, he forwarded the same to the 5th respondent herein for binding over both the parties for keeping the vicinity peacefully. The same was taken on file and numbered as M.C.No.5 of 2018 on the file of the 5th respondent herein, and issued summons to both the parties for

their presence. In the meantime, the writ petitioners herein approached this Hon'ble Court by raising certain allegations against the respondent Police and obtained interim stay orders. Basing on the said interim stay orders, the 5th respondent herein stayed all the proceedings in the said M.C.No.5 of 2018.

It is submitted that the respondent Police did not commit any illegality or irregularity, as alleged by the writ petitioner. The 4th respondent herein registered the crime against the writ petitioners and 6th respondent and forwarded the same to the 5th respondent herein is to control the untoward incidents of both the parties with a view to safeguard the public tranquility. I have great respect on the Courts and its orders. I will obey the orders if any passed by this Hon'ble Court in connection with the present Writ Petition.”

Accordingly, the Writ Petition is disposed of, by placing on record the said instructions furnished by the Station House Officer, Malkapuram Police Station, Visakhapatnam District, dated 26.10.2018, with a further direction to the official respondents herein to act strictly in accordance with law.

Miscellaneous petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

A.V.Sesha Sai, J

Date: 29.11.2018
smr