

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.3866 of 2016

ORDER:

Petitioner seeks a writ of mandamus declaring the action of respondent Nos.3 and 4, in insisting to vacate from his Tenancy Holding Wet Land of Ac.2.94 cents in R.S.Nos.247/5 and 247/6 of Akiveedu Revenue Village and Mandal, West Godavari District, and to withdraw A.T.C.No.2/2013 on the file of Tenancy Special Officer-cum-Junior Civil Judge, Bhimavaram, as illegal and arbitrary.

Petitioner claims to be the cultivating tenant having succeeded to the said tenancy holding on payment of 10 bags paddy to respondent No.5; and as respondent No.5 was illegally interfering, he filed ATC.No.2 of 2013 on the file of Tenancy Special Officer –cum- Junior Civil Judge, Bhimavaram, seeking to declare him as cultivating tenancy in respect of the subject land. Petitioner's grievance is that, respondent No.4 and police constables of respondent No.3 – Police Station had been repeatedly calling him to the police station; insisting to vacate from the subject land; and withdraw the tenancy case. Hence the writ petition.

No representation for the petitioner.

In his counter affidavit, respondent No.3 (Station House Officer, Akiveedu Police Station, West Godavari District) states that, respondent No.6 lodged a complaint on

25.01.2016 claiming to be the owner of the subject land; it was leased to one Uppada Peddi Raju; petitioner obstructed cultivation of the subject land; during enquiry, it was revealed that civil disputes are pending between petitioner and respondent No.6. He denied that respondent No.4 and constables of respondent No.3 police station called the petitioner to police station; insisted to vacate from the subject land; and withdraw ATC.No.2 of 2013

After filing the writ petition, there may not be any instances of calling the petitioner to the police station and, if any, petitioner would have brought to the notice of this Court. It is obvious that civil disputes are pending between petitioner and respondent No.6; respondent No.6 lodged a complaint against petitioner; and, in connection thereto, police might have called the petitioner to police station.

It is unfortunate to note that, time and again writ petitions are being filed by the petitioners making allegations against the police officials that they are calling to police station for settlement of matters in police station. Police, however, in their counters, deny the allegations as false. Petitioners are approaching this Court seeking a direction to police not to call them to the police station. In view of the law laid down by the Supreme Court in **Lalita Kumari v. Government of U.P.**¹ and the decision rendered by this Court in **Darapaneni Krishna Murthy v.**

¹ 2014 (2) SCC 1

Superintendent of Police², police are directed not to interfere in civil matters.

With the above observation, the Writ Petition stands disposed of.

Miscellaneous petitions, if any pending, shall stand closed.

GUDISEVA SHYAM PRASAD, J

Date:26.04.2018
Usd



² 2008(4) ALD 105