

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

WRIT PETITON No. 44134 of 2018

O R D E R:

Heard learned counsel for the petitioner and the learned Government Pleader for Home, apart from perusing the entire material available on record.

When the matter is taken up, written instructions, dated 04.12.2018, furnished by the Sub Inspector of Police, Tallada Police Station, Khammam District, are placed on record by the learned Government Pleader. The said instructions, to the extent of their relevance to the present Writ Petition, are as under:

“One Sri Nalajala Seshaiyah, aged about 86 years/4th respondent has approached the Commissioner of Police, Khammam and submitted a petition dated 15.11.2018 stating that he is a senior citizen and has been in peaceful possession and enjoyment of land in Sy.No.142/AA situated at Nootankal village, Tallada Mandal for so many years and when the petitioner herein is creating troubles in respect in of his land, he filed a Civil Suit in O.S.No.78 of 2015 against the petitioner herein on the file of the Hon'ble Court of First Additional District at Khammam for grant of perpetual injunction and the Hon'ble Court decreed the suit granting perpetual injunction in his favour restraining the petitioner from interfering into the above said land by Judgment and Decree dated 13.10.2015 and that when he raised paddy crop in his land and crop is ready for harvesting and taking advantage of his old age, the petitioner has been highhandedly threatening him and coming in the way of harvesting the paddy crop and because of his old age he is not able to face the consequences in the hands of the petitioner herein and inspite of court orders, the petitioner herein is obstructing him from

harvesting the crop and hence requested to issue directions to the Deputy Superintendent of Police, Station House Officer to take necessary action against the petitioner who is illegally trespassing into the said land and threatening him every day.

Upon receipt of the said petition, the commissioner of Police, Khammam endorsed it on 15.11.2018 and directed the Station House Officer, Tallada Police Station to look into the matter and take necessary action as per law and court directions.

On receipt of the said petition through proper channel, an entry was made into the Station General Diary.

To know the veracity in the contents of the petition of the 4th respondent, this respondent personally visited the subject land of the complainant covered by Sy.No.142/AA, Noothankal village o Thalltada Mandal and advised the petitioner orally not to interfere with the suit schedule lands of the 4th respondent/ complainant and to obey the perpetual injunction orders granted by the Hon'ble Court in favour of the 4th respondent against the petitioner herein.

It is humbly submitted that except advising the petitioner not to interfere with the suit schedule property of the complainant/ 4th respondent covered by Sy.No.142/AA, this respondent never interfered with the subject land of the petitioner herein nor any case whatsoever was registered till date.

It is submitted that the allegation of the petitioner that he contested the E.P No.62018 in O.S.No.78 of 2015 filed by the 4th respondent by engaging an Advocate and that on 1.12.2018 this respondent directed him to appear before this respondent by sending constables and threatening him that he shall not cut the paddy crop as the same is in the court is absolutely false and hence denied.

It is submitted that the allegation of the petitioner that this respondent without any authority issuing

any notice at the instance of the respondents 3 and 4 is obstructing their cultivation is utterly false and hence denied.

It is pertinent to submit that it is the bounden duty of the petitioner to comply with the decree and judgment passed by the Hon'ble Court in O.S.No.78/2015. To know the veracity in the contents of the petition of the 4th respondent who is a senior citizen, this respondent visited the land of the 4th respondent herein and advised him to comply with the orders passed by the Hon'ble Court and orally ask him not to interfere with the suit schedule lands of the 4th respondent/complainant herein.

Except the above, this respondent never interfered with the lands of the petitioner herein and this respondent is not the competent authority to dispossess or eject the petitioner from the subject lands in question”.

Eventually a request is made by the learned counsel for the petitioner to dispose of the Writ Petition by placing on record the above instructions.

By placing on record the above written instructions, Writ Petition is disposed of, directing the respondent-police authorities not to interfere with the civil disputes unless the same is permissible in accordance with law. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

A.V. SETHA SAI, J

11th December, 2018
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