

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

W.P.No.569 of 2019

ORDER:

Petitioner claims to be the owner of part of H.No.12-13-483 in Survey Nos.174, 175/1 and 175/2 admeasuring 732 sq.yards situated at Street No.14, Nagarjuna Nagar, Tarnaka, Secunderabad.

2. The petitioner has grievance against private parties in interfering with his construction activity, therefore, he lodged a police complaint before the 5th respondent-Police Station and basing on the said complaint, Crime No.406 of 2018 was registered under Sections 447, 506 read with 34 IPC. This writ petition is filed alleging that the Officers of 5th respondent-Police Station are interfering with the construction activity of the petitioner and interfering with his peaceful possession and enjoyment. The petitioner also impleaded Sri S.Rajashekar Reddy, Circle Inspector of Police and Sri Narasinga Rao, Sub-Inspector of Police, Osmania University Police Station as party Respondents 6 and 7. Notices are yet to be served on them.

3. A counter affidavit deposited by the 4th respondent-Assistant Commissioner of Police has been filed, denying the allegation made by the petitioner that the police are interfering with the construction activity, possession and enjoyment of the petitioner over the subject house. The further allegation that the Police directed the petitioner to stop the construction is also denied.

5. According to the averments in the counter affidavit, based on the complaint lodged by one Shaik Jaweed, Cr.No.256 of 2018 was registered under Sections 447, 427, 506 read with 34 IPC against one Venu Yadav and others and Cr.No.403 of 2018 was also registered under Sections 447, 506

read with 34 IPC on a complaint lodged by one V.Naga Latha against the petitioner and others. Since three criminal cases are pending in connection with the subject property, it cannot be said that the Police cannot visit the scene of offence and conduct investigation. Further, the Assistant Commissioner of Police denied the involvement of the police. Responding to the said statement, the learned counsel for the petitioner requests the Court to record the same and no further orders are required to be passed in the writ petition. It is also appropriate to note that though notices were not yet served on Respondents 6 and 7, the learned counsel for the petitioner fairly submitted that the writ petition can be closed in view of categorical statement made by the 4th respondent in the counter affidavit.

6. In view of the same and taking due note of the averments made by the 4th respondent in his counter affidavit, the writ petition is disposed of. As a sequel, the miscellaneous petitions if any, shall stand closed. There shall be no order as to costs.

Date: 13.3.2019
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