

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 1572 of 2019

Date : 30.1.2019

Between:

T Shyam Kumar S/o Late T Mallaiah Aged about 78 years  
R/o 12-5-12/12/5 Viayapuri Colony Tarnaka Hyderabad  
Petitioner

And

The Station House Officer  
Nacharam Police Station Nacharam Ranga Reddy District  
And others  
Respondents

The Court made the following:

ORAL ORDER:

Heard learned counsel for petitioner and learned Government Pleader for Home.

2. Petitioner claims to be owner of house bearing municipal No. 5-1-76/34, Srinivasnagar Colony. Petitioner states that he has leased out the terrace portion of said house to M/s.Jio Communications in the year 2017 to erect roof top tower and while the lease holder was undertaking the work of erection of cellular tower, the residents of the colony came to his house, threatened him with dire consequences, abused him in filthy language. He therefore seeks direction to the Station House Officer, Lalaguda police station/2<sup>nd</sup> respondent to protect his property.

3. The prayer in the writ petition is to direct the respondents to accord protection to the petitioner for erection of roof top tower in the first floor of his house without any objection from the residents of the colony. In other words protection sought from the police in this writ petition is not against person but against his property. Petitioner seeks involvement of the police in settlement of a civil dispute. It is not a case of any law and order problem in the colony requiring the police to interfere and ensure peace and tranquility in the colony. If petitioner has enforceable right in him and somebody is objecting to utilization of his property to best of his ability and for his advantage, he has to avail the appropriate civil remedy as available in law but cannot seek to rope in police in such disputes.

4. Accordingly, writ petition is dismissed leaving it open to petitioner to work out his remedies. No costs. Miscellaneous petitions, if any pending, are closed.

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P NAVEEN RAO,J

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TVK

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