

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 6907 of 2019

Date : 2.4.2019

Between:

M Narsaiah S/o M Sriramulu Aged about 48 yrs Occ
Business R/o H No 82503 Rd No 7 Banjara Hills Hyderabad
And others

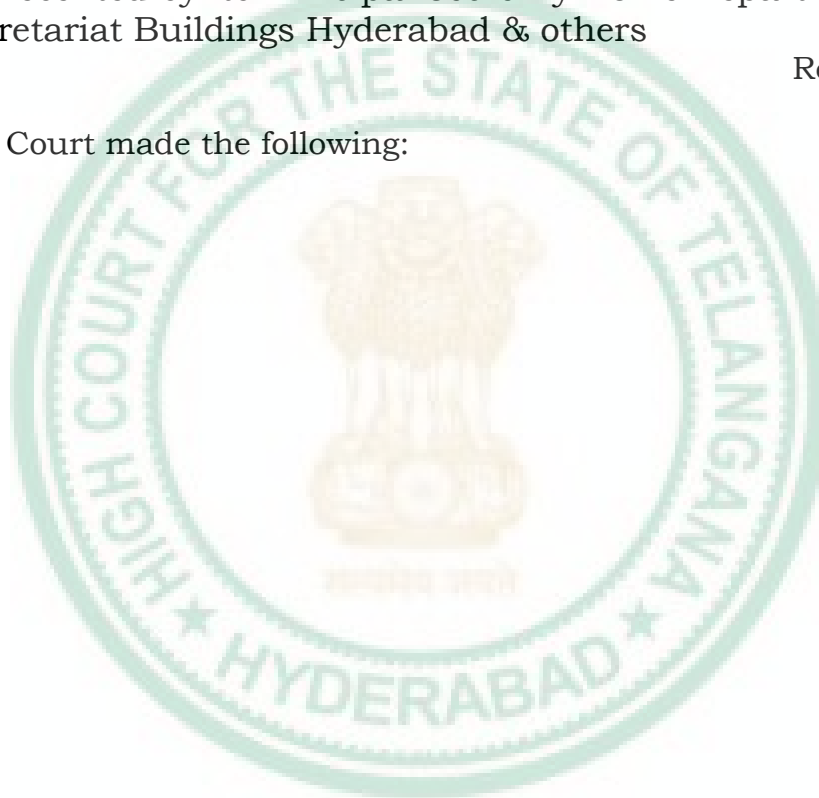
Petitioners

And

The State of Telangana
Represented by its Principal Secre4ry Home Department
Secretariat Buildings Hyderabad & others

Respondents

The Court made the following:



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ORAL ORDER:

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

2. Petitioners 1 and 2 claimed to have obtained development agreement from petitioners 3 and 4 to an extent of Ac.2.10 guntas in Survey Nos. 28/1 and 28/2, situated near Chikoti Gardens, Begumpet, Hyderabad. Petitioners allege that 7th respondent is interfering with their possession and enjoyment. Aggrieved by such illegal interference, petitioners filed O S No. 555 of 2018 on the file of the XV Additional District Judge, Ranga Reddy at Kukatpally and the trial Court on 14.5.2018 granted order of status quo. Petitioners allege that in spite of status quo order in their favour, unofficial respondents continue to interfere. Complaining of such illegal interference, complaint was lodged on 26.2.2019 but same is not acted upon. While so, unofficial respondents lodged complaint alleging interference by petitioners herein and same was registered as FIR No. 92 of 2019 on 27.2.2019 of Begumpet police station.

3. Petitioners now allege that under the guise of registration of crime, police are interfering in civil dispute. Prima facie, it is seen from the complaint filed respectively by petitioners and unofficial respondents that both have grievance regarding the rival claims on land to an extent of Ac.2.10 guntas in Survey Nos. 28/1 and 28/2, Balanagar mandal and both parties complain on alleged interference by the other party and seek assistance of the police in preventing such interference and illegal action by the other party. Admittedly by now crime is registered. When crime is registered based on allegation of illegal interference, trespass,

threatening and obstructing by using force by other side, it cannot be said that police cannot conduct investigation and in the process of investigation can visit the scene of offence. Merely because police visited the scene of offence, it cannot be said that police are interfering. In fact, in the complaint filed by petitioners and similarly by the unofficial respondents they allege illegal interference and request the police to grant protection against such interference by implementation of status quo order granted by the trial Court. At this stage, learned counsel for petitioners informs the Court that against registration of crime, quash petition is filed before this Court and the same is pending consideration.

4. Having regard to these facts, Court is not inclined to entertain the writ petition, accordingly, the writ petition is dismissed granting liberty to avail statutory remedies ventilating their grievances against non-registration of crime. Further, this order does not come in the way of petitioners pursuing quash petition pending before this Court. No costs. Miscellaneous petitions, if any pending, are closed.

DATE: 2-4-2019
TVK

P NAVEEN RAO,J

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