

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.24260 of 2014

ORDER:

There is no representation on behalf of the petitioner.

2. The prayer sought in the writ petition is as under:-

“...to issue an appropriate writ, order or direction, more in the nature of Writ of Mandamus, declaring the action of the 3rd respondent in not taking any action in pursuance to the complaint lodged by the petitioner on 15.8.2014 against the respondents 4 & 5 herein and making her shelter less highhandedly by them, as being illegal, arbitrary and is in violation of principles of natural justice and fair play apart from being in violation of Articles 14 & 21 of the Constitution of India and consequently direct the respondents 1 to 3 herein to take action immediately against the respondents 4 & 5 herein and report compliance, ...”

3. Respondent No.3 filed a counter-affidavit denying the averments made in the affidavit filed in support of the writ petition and contended *inter alia* that on receipt of the complaint from the petitioner, an entry was made into Station General Diary on the same day itself i.e., on 15.08.2014, and after conducting preliminary enquiry into the matter, the 3rd respondent advised the complainant/petitioner to seek redressal in the competent Court of law, since the dispute is purely civil in nature. Therefore, no action of whatsoever is taken. It is also further stated in the counter-affidavit that the petitioner clearly mentioned that there is a dispute between

herself and her husband regarding Flat No.72 F, for which she filed a suit in O.S.No.1404 of 2004 against her husband and others for physical possession of the flat. Since the dispute between the petitioner as well as the un-official respondents i.e., respondent Nos.4 and 5, is purely civil in nature regarding the rights and title over the subject property in question, no action was taken.

4. Though counter-affidavit has been filed by the 3rd respondent, no reply is filed to rebut the contentions made in the counter-affidavit. Therefore, the contentions raised by the 3rd respondent are deemed to be admitted. In these circumstances, this Court is of the view that there are not merits in the writ petition and the same is liable to be dismissed.

5. Accordingly, the writ petition is dismissed.

Miscellaneous petitions pending, if any, shall stand dismissed.

No costs.

6th November 2019

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P. KESHA VA RAO, J