

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.7709 of 2019

ORDER:

This writ petition is filed seeking the following relief:

“.... to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 4th respondent in interfering civil matter and threatening to evict the possession from his registered land in Plot No.8 measuring 50 x 15 feet about 83.33 Sq. yards of land in Survey No.779/E of Polepally village, Kosigi Mandal, Mahabubnagar District presently Narayanapet District and also preventing him to enter in petitioner's property as illegal, arbitrary and without jurisdiction and violative of Articles 21, 19(1)(g) of the Constitution of India and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard the learned counsel for the petitioner and the learned Government Pleader for Home for respondent Nos.1 to 4. Perused the record.

Learned counsel for the petitioner would contend that the petitioner has filed a suit in O.S.No.56 of 2018 on the file of the Junior Civil Judge's Court, Kodangal, and the said suit is pending. He further contended that respondent No.4-Station House Officer of Kosgi Police Station is interfering with the peaceful possession and enjoyment of the land belonging to the petitioner at the instance of respondent Nos.5 to 7.

On written instructions, the learned Government Pleader for Home would contend that no such interference is made by the police officials. All the allegations made against respondent No.4 are false.

Admittedly, the dispute between the petitioner and respondent Nos.5 to 7 is civil in nature. Moreover, a suit in O.S.No.56 of 2018 is pending before the competent Court. In the

given circumstances, the allegations made in the affidavit filed in support of the writ petition with regard to the interference by the 4th respondent-police cannot be brushed aside.

Under these circumstances, respondent No.4 shall not cause any interference in respect of the land i.e., plot No.8 admeasuring 83.33 square yards of land situated in Sy.No.779/E of Polepally Village, Kosigi Mandal, Mahabubnagar District, which is the subject matter of O.S.No.56 of 2018.

With the above direction, the Writ Petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 23.04.2019
ssp

DR. SHAMEEM AKTHER, J

