

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.8458 OF 2019

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of respondent Nos.2 to 4 in not taking action on the complaints, dated 23.03.2019, 26.03.2019 and 27.03.2019, of the petitioner, in spite of an injunction order in his favour, as illegal and arbitrary and consequently, to direct respondent Nos.2 to 4 to take action by registering a crime against respondent No.5.

2. Heard learned counsel for the petitioner and the learned Government Pleader for Home, appearing for respondent Nos.1 to 4 and perused the record.

3. As per the material placed on record, the petitioner is said to be the owner and possessor of land admeasuring Ac.0-10 guntas in Survey No.260/RU, situated at Inmulnarva Village, Kothur Mandal, Ranga Reddy District. An *ex parte* ad-interim injunction order was granted in his favour in respect of the subject land on 01.03.2019 in I.A.No.83 of 2019 in O.S.No.22 of 2019 on the file of Principal Junior Civil Judge, Shadnagar. It is contended that though the said injunction order is in subsistence, there is interference over the subject land and also commission of alleged theft by respondent No.5. It is evident from the record that the dispute between the petitioner and respondent No.5 is civil in nature. If any cognizable offence is committed and no action is taken, the aggrieved person has a

right to file a complaint under Section 200 Cr.P.C. and proceed with. Further, in the event of violation of interim order of injunction, there is also a specific and efficacious remedy available under Order XXXIX Rule 2A C.P.C. Under these circumstances, it is not appropriate to direct the police concerned to register F.I.R. on the reports of the petitioner and investigate the case.

4. With the above observations, the Writ Petition is disposed of at the stage of admission.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

April 23, 2019.
MD

Dr. SHAMEEM AKTHER, J