

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.9309 of 2013

ORDER:

Heard learned counsel for the petitioners as well as learned Government Pleader appearing for respondent Nos.1 to 4.

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

“...to issue a Writ, Order or direction more in the nature of Mandamus, declaring the action of the respondents 4 to 7 police in trying to highhandedly delivering the possession of petitioners property including the house situated in Sy.No. 249/1 and 250 to an extent of Acs.0.38 and Acs.10.25 and House No.5-309/11 situated Srirampuram, Sarapaka Village, Burgampahad mandal, Khammam District in favour of the respondents 8 to 10 in-spite of the civil disputes pending before the Bhadrachalam Mobile Court including the Hon’ble High Court of AP, interference of the respondents police in civil disputes is illegal and avoid and opposed to Article 14, 19, 21 and 300-A of Constitution of India and consequently to direct the respondents 4 to 7 not to interfere with the peaceful possession and enjoyment of the petitioners property in question including direct the respondents 1 to 3 to take necessary departmental action against the respondent no.4 to 7 in hand glow with the respondent no.8 to 10 by registering false complaints against the petitioners herein by interfering the civil disputes in respect of the petitioners possession of the property in question and to pass such other orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

3. Learned Government Pleader placed on record the written instructions, dated 08.10.2014, issued by the Sub-Inspector of Police, Burampahad Police Station, Khammam District.

4. A perusal of the said written instructions would reveal that the petitioners herein and others have been involved as accused in ten cases mentioned therein on the file of the Burgampahad Police Station, Khammam District, with regard to the land in Sy.No.249/1 and 250 and H.No.5-309/11 situated at Srirampuram, Sarapaka Village, Burgampahad Mandal, Khammam District. Except the registering the cases mentioned in the written instructions, the respondent police never harassed and interfered with the properties of the petitioners. It is also mentioned in the written instructions that from perusal of the contents in the affidavit filed in support of the writ petition, there appears to be civil disputes between the petitioners and respondent Nos.8 to 10 with regard to the above said lands, for which the respondent police have nothing to do with it. The petitioners unnecessarily involved the police into the civil litigation. The present writ petition is filed as a precautionary measure, so that the respondent police may not investigate the matter on the complaint lodged against the petitioners. It is also specifically mentioned that the respondent police never harassed, threatened and interfered with the life and liberty of the petitioners and civil dispute between the petitioners and

respondent Nos.8 to 10 with regard to the above said lands at any point of time.

5. In view of the above said specific written instructions, this Court is of the opinion that no further cause would survive in the writ petition, since the apprehension of the petitioners appears to be imaginary and preemptive one. Therefore, the writ as filed is not maintainable and liable to be closed.

6. Accordingly, the writ petition is closed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed. No costs.

26th September 2019

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P. KESHAVA RAO, J

