

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.28601 of 2013

ORDER:

There is no representation on behalf of the petitioner.

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

“....to issue writ or direction more particularly one in the nature of writ of mandamus declaring the action of respondent No.2 in interfering in the civil dispute by disobeying the judgment in OS.929 of 2009 dated 15.3.2013 injunction order in IA.284 of 2013 in OS.1377 of 2013 passed by Hon’ble VIII Junior Civil Judge, City Civil Court, Hyderabad, as illegal arbitrary ultravires to the powers conferred on respondent No.2 and against the civil law laid down by this Hon’ble court in the interest of justice and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

3. The 2nd respondent filed a counter-affidavit denying the allegations made in the affidavit filed in support of the writ petition and contended *inter alia* that the petitioner approached the 2nd respondent-Inspector of Police on 25.09.2013 and submitted a petition stating that one Mr.Mohd. Subhanuddin, Mr.Maqudoom Mohiuddin and their henchmen came to his property i.e., premises bearing No. 20-1-525 admeasuring 385 sq. yards situated at Dareecha Bawaheer, Golla Khidki, Hyderabad, armed with prohibited weapons and tried to dispossess him from the property. Therefore, he requested to take necessary action as per law. Since the dispute between the petitioner

and the above said persons is purely civil in nature, no action was taken on it and advised the petitioner to seek redressal in a competent civil Court. It is also further mentioned that though the petitioner made allegations against the trespassers, he is not impleaded them as party respondents in the present writ petition with an oblique motive that if the said persons are impleaded as party respondents, the real facts would have come to light. It is also further specifically mentioned that the respondent police never interfered with the peaceful possession and enjoyment of the subject property of the petitioner. It is also further mentioned that the 2nd respondent shall abide by the interim orders passed by this Court in W.P.M.P.No.35482 of 2013, dated 03.10.2013.

4. Having regard to the said facts stated in the counter-affidavit and since no reply affidavit is filed to rebut the allegations made in the counter-affidavit, the contents of the counter-affidavit goes unrebutted. In these circumstances, this Court is of the opinion that there are no merits in the writ petition and the same is liable to be closed.

5. Accordingly, the writ petition is closed.

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

P. KESHAVA RAO, J

3rd December 2019

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