

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.28110 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 a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the inaction of the respondents 2 and 3 in providing protection to the person and property of writ petitioner and his family and taking legal steps against the 5th respondent and also failure of the 1st respondent in directing the respondents 2 and 3 to provide protection and take legal steps as sought in the legal notices dt.03.05.2013 and 13.05.2013, as illegal, arbitrary and unconstitutional, besides being violative of fundamental rights consequently, direct the respondents 1 to 4 to provide protection to property and person of writ petitioner and his family members against the illegal acts of the 5th respondent and initiate appropriate legal action against him to stop his illegal acts in the interest of justice and to pass necessary order or orders as this Hon’ble Court may deem fit.”

3. The 3rd 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 Station House Officer, Dichpally Police Station, Nizamabad District, i.e., the deponent of the counter-affidavit, assumed charge only on 16.10.2019. After receipt of the communication in the above writ petition, he verified the station records and General Diary entries and found that no such complaint is

entered in the station records. When he contacted Sub-Inspector of Police, who was holding charge, he denied the receipt of the same. As such, there is no truth in the allegations made in the affidavit filed in support of the writ petition. It is also further stated that as seen from the records, there is a civil dispute between the petitioner and the 5th respondent. Basing on the enquiries caused in the matter, it was learnt that the 5th respondent herein filed a suit in O.S.No.2 of 2012 on the file of the Principal Junior Civil Judge, Nizamabad, against the petitioner herein, contending that he is the owner of the property situated in Plot No.30 in Survey No.235 to an extent of 96 sq. yards, out of 128 sq. yards, which was purchased through registered sale deed, dated 25.06.1993, from his vendor and since then he has been in possession of the same. The trial Court granted temporary injunction in favour of the 5th respondent in I.A.No.18 of 2012 in O.S.No.2 of 2012 on 24.09.2012. Challenging the said order, the petitioner filed C.M.A.No.18 of 2012 on the file of the Principal District Judge, Nizamabad. After hearing both the counsel, the lower appellate Court allowed the said appeal by judgment and decree, dated 03.01.2014, and set aside the orders passed by the trial Court in I.A.No.18 of 2012 in O.S.No.2 of 2012, with a direction to the trial Court to mark the documents filed on behalf of the petitioner herein and also the 5th respondent, if any filed, in accordance with law, and give findings with regard to the points involved in the said I.A. Assailing the said orders, the 5th respondent filed C.R.P.No.791 of 2014 in this Court

and the said C.R.P. was dismissed as infructuous observing that the suit filed by him was dismissed for default on 24.08.2017 and there is no cause of action survives in the revision. The dispute between the petitioner and the 5th respondent comes to an end by the dismissal of the suit filed by the 5th respondent on 24.08.2017. After dismissal of the suit filed by the 5th respondent on 24.08.2017, no cause of action survives in the writ petition, since the injunction granted in favour of the 5th respondent also goes with the main suit.

4. In view of the above said facts and circumstances, this Court is of the opinion that there are no merits in the writ petition and the same is liable to be dismissed.

5. Accordingly, the writ petition is dismissed.

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

28th November 2019

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P. KESHA VA RAO, J