

HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.22357 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for respondent Nos.1 to 5.

The prayer sought in the writ petition is as under:

“... to issue the writ, order or direction more particularly in the nature of writ of mandamus or any other appropriate writ declaring the action of the respondents No.5 to 7 in acting in high handed manner and conducting the survey of the petitioners land in Sy.No.5/2, 5/2, without any jurisdiction even the matter is seized the matter by the civil Court is nothing but arbitrary, illegal, null and void and violative of principals of natural justice and also violative of Articles 14, 19, 21 of the Constitution of India and consequently direct the respondents No.4 to 6 to not to interfere in the civil matter.”

Learned Government Pleader placed on record written instructions dated 29.07.2015 issued by the Sub-Inspector of Police, Hayathnagar Police Station, Cyberabad.

From a perusal of the said written instructions, it is revealed that as per the station records the facts of the case are that one Mr. Netaji Raavi, 7th respondent herein, approached the Hayathnagar Police Station and lodged a complaint on 18.05.2015 stating that he purchased land to an extent of Ac.1.20 guntas from the pattadars, Mr. B.Ramulu and others in Sy.No.5-A situated at Inamguda Village limits, Hayathnagar. Since purchase, he has been in possession and enjoyment of the property. One Mr.Raghunath Reddy has trespassed into the said land and

damaged the land boundary stones and built one room and requested to take necessary action as per law. Based on the said complaint, a case in Crime No.476 of 2015 for the offence under Sections 447 and 427 IPC was registered on 18.05.2015 on the file of the Hayathnagar Police Station. The GPA holder of the petitioner herein i.e., Mr. K. Raghunath Reddy is shown as accused in the FIR. The said GPA holder also approached the Hayathnagar Police Station and lodged a complaint on 03.06.2015 stating that his son-in-law purchased the house bearing No.2-151 in Sy.No.5/A/2 admeasuring 925 square yards situated at Inamguda Village, Hayathnagar. On 03.06.2015 at 0545 hours the accused persons i.e., the 7th respondent herein and others trespassed into the plot and demolished the house, compound wall and main gate with the help of proclainer and they committed theft of electricity meter, sump motor, electrical service wires and other articles. Basing on the said complaint, a case in Crime No.519 of 2015 for the offences under Sections 447, 427 and 379 IPC was registered. The 7th respondent herein and others were shown as accused in the above said crime. The GPA holder of the petitioner again lodged a complaint on 27.06.2015 against the 7th respondent and others stating that they criminally trespassed into his son-in-law's house No.2-151, Inamguda Village, and also threatened his workers and his watchman with dire consequences that they should vacate the subject house immediately, otherwise, they would

demolish the house. On that complaint, another crime was registered vide Crime No.594 of 2015 for the offences under Sections 448 and 506 IPC. The 7th respondent and others are shown as accused in the above said crime. It is also mentioned in the instructions that the petitioner also filed a suit in O.S.No.104 of 2015 before the Junior Civil Judge, Hayathnagar, Ranga Reddy District against the 7th respondent with regard to the subject property and obtained interim injunction orders in I.A.No.165 of 2015 in O.S.No.104 of 2015 dated 23.06.2015. On 05.06.2015, survey was conducted at the disputed site in Sy.No.5/A and 5/2 by the Mandal Surveyor over an extent of 1000 square yards. However, since the land of the 7th respondent was not coincided with the survey made by the Mandal Surveyor for his land, he requested for survey of the entire land in Sy.No.5/A. In view of the law and order problem, the investigating agency has addressed the District Collector, Ranga Reddy District to depute the surveyor for conducting detailed survey of the total extent of Sy.No.5/A of Inamguda Village and to demarcate the boundaries of both the parties i.e., the 7th respondent and the petitioner herein to avoid further legal complications as well as law and order and other problems. Except registration of the above three crimes and proceeding with the investigation as per law, the respondent police never interfered with the civil disputes as alleged. Instead of cooperating with the investigating agency, the

petitioner has come up with the present writ petition with baseless allegations only with an intention to divert the attention of the investigating agency in not conducting the investigation in proper and fair manner. Mere registration of criminal cases on the complaints of the petitioner and the 7th respondent and proceeding with the investigation into the matters as per law does not amount to interference of police in the civil disputes.

In that view of the matter, this Court is of the opinion that no further cause would survive in the writ petition.

Accordingly, the writ petition is closed. However, liberty is given to the petitioner and the 7th respondent to work out their remedies in a competent civil Court as per law. No order as to costs.

Miscellaneous petitions, if any, shall also stand closed.

Date: 27.11.2019.
ES

P. KESHAVA RAO, J