

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.28502 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 an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 1 to 2 in collusion with respondents 4 to 7 in not giving protection to the petitioner to cultivate his land in Sy.No.16/3 to an extent of Ac.2.00 gts. situated at Edira (G) village, Venkatapuram Mandal, Khammam District in the light of the injunction order granted in I.A.No.146 of 2011 in O.S.No.169 of 2011 dated 19.08.2011 and also police protection granted by the Civil Court in I.A.No.148 of 2012 in I.A.No.146 of 2011 in O.S.No.169 of 2011 to the petitioner against the respondents 4 to 7 is highly arbitrary, bad and illegal.”

3. Respondent No.1 filed a counter-affidavit stating that the petitioner lodged a complaint on 01.09.2013 before the respondent police stating that he purchased the land admeasuring Ac.2.00 gts. in Sy.No.16/3 situated at Edira (G) village of Venkatapuram Mandal, Khammam District, on 18.01.2001 and since then he has been in possession and enjoyment of the said land. However, respondent Nos.4 to 7 herein obstructed his cultivation in the subject land. Therefore, he was constrained to file a suit in O.S.No.169 of 2011 on the file of the learned Special Assistant Agent (Sub-Divisional

Magistrate) Mobile Court, Bhadrachalam, and obtained police protection order, dated 15.11.2012, vide I.A.No.148 of 2012 in I.A.No.146 of 2011. Based on the said complaint, an entry has been made in the Genral Diary on 01.09.2013. After enquiry, it was revealed that there is a dispute between the petitioner and respondent Nos.4 to 7 with regard to the subject land. Further, as the contents of complaint are non-cognizable in nature and relates to a civil dispute, the respondent police suggested the petitioner to approach the competent Court of law. They further advised him whenever he needs protection, the respondent is ready and willing to provide protection to his property. As far as the allegation that the respondent police in collusion with respondent Nos.4 to 7 have harassed and threatened the petitioner in not allowing him to enter into the subject land and settle the matter with respondent Nos.4 to 7 is specifically denied. It is also stated in the counter-affidavit that respondent police never acted against the injunction orders passed by the civil Court and never harassed the petitioner and his family members by calling them to Police Station. It is also further mentioned that the respondent police is ready and willing to provide police protection to the petitioner in accordance with law.

4. Though counter affidavit is filed, no reply affidavit is filed to rebut the contents of the counter-affidavit.

5. In these circumstances, this Court is of the opinion that no further cause would survive in the writ petition. Since there are no merits in the writ petition, the same is liable to be dismissed.

6. Accordingly, the writ petition is dismissed.

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

25th September 2019

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P. KESHAVA RAO, J

