

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.3443 of 2014

ORDER:

Heard learned counsel for the petitioners as well as the respondents.

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

“.....to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the 2nd respondent in interfering with the peaceful possession and enjoyment of the Petitioner over the Property Municipal bearing No.1-37-20, in Sy.No.28, Balamrai, Rasoolpura, Secunderabad, which is the subject matter of the Cr.No.489/2013 dated 31.12.2013 which was forwarded to the Revenue Divisional Officer, Secunderabad, as illegal, arbitrary and without jurisdiction and pass such other order or orders as may deem fit and proper in the circumstances of the case.”

3. Learned Government Pleader appearing for respondent Nos.1 and 2 placed on record the written instructions, dated 12.02.2014, issued by the Inspector of Police, Begumpet Police Station, Hyderabad City.

4. From a perusal of the said written instructions, it is revealed that there is a land dispute with regard to the land admeasuring 3136 sq. yards in Survey No.28 to 75/2 of Rasoolpura, Balamrai, Begumpet, Secunderabad, among G.Madhusudhan Reddy-petitioner No.1, G. Shanakaraiah and Muneer Taher Kambati. The above said three persons are disputing with each other and lodged complaints with the police of Begumpet Police Station. Upon which, in all seven cases referred in the written instructions are registered and

investigated into. The above said persons are claiming rights and ownership over the subject property in question. It is also further stated that in order to prevent the law and order problem at the disputed site, a suo-motto case in Crime No.489 of 2013 under Section 145 Cr.P.C., dated 31.12.2013, was registered and a detailed report was submitted to the Executive Magistrate/Revenue Divisional Officer, Secunderabad, requesting him to initiate proceedings under Section 145 Cr.P.C. It is also further stated that considering the facts and circumstances mentioned in the report, the Executive Magistrate/Revenue Divisional Officer, Secunderabad, issued a notice, vide letter No.B/33/2014, dated 16.01.2014, to the petitioner herein and other parties requesting them to present before them on 01.02.2014 along with other documentary evidence in support of their claims. Instead of submitting the documentary evidence before the Executive Magistrate/Revenue Divisional Officer, the petitioner had approached this Court and filed CrI.P.No.552 of 2014 praying to quash the above said proceedings. This Court, at the admission stage, granted interim stay of all further proceedings, pursuant to the notice, dated 16.01.2014. The said criminal petition is pending adjudication before this Court. While the said matter is pending, the petitioner filed the present writ petition with the allegation that the respondent police are interfering with the subject property bearing No.1-37-20 in Survey No.28, Balamrai, Rasoolpura, Secunderabad. It is specifically stated in the written instructions that except registering the suo-motto case against the parties including the petitioner herein, vide

F.I.R.No.489 of 2013, dated 31.12.2013, the respondent police never interfered with the subject property in question. It is specifically stated that the petitioner is petition monger and used to give troubles to the officers by making false allegations and several cases were registered against him on the file of the Begumpet Police Station and hence no credence can be given to the allegations made by the petitioner in the affidavit filed in support of the writ petition.

5. In the light of facts mentioned in the written instructions, particularly that the respondent police are not interfering with the subject property in question, this Court is of the opinion that no further cause would survive in the writ petition.

6. Accordingly, the writ petition is disposed of, taking the statement mentioned in the written instructions that the respondent police never interfered with the subject property in question.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

29th October 2019

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P. KESHA RAO, J