

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.18182 of 2018

DATED :04.02.2019

Between :

P.Ramu Goud, S/o.P.Laxminarayana Goud,
Venkateshwara Colony, Saroornagar,
Hyderabad.

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Petitioner

And

Telangana State Electricity Regulatory Commission,
Rep., by its Secretary, Home Department,
Secretariat Buildings, Hyderabad and 5 others.

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Respondents

This court made the following :

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ORDER :

Heard learned counsel for the petitioner, learned Government Pleader for Home appearing for respondents 1 to 4, learned counsel for the 6th respondent and Sri C.V.R.Rudraprasad, learned counsel for the 7th respondent.

2. The petitioner alleges that the police illegally interfering with the possession and enjoyment of premises bearing Municipal No.7-18/A (old), 13-20-86 (new) on Plot No.18, in Survey No.198, 201 and 202 consisting of ground and first floor with total plinth area of approximately 3,500 square feet, situated at Kodandaramanagar, Gaddiannaram Village, L.B.Nagar Circle, Hyderabad; and forcefully locked the premises and kept the keys with them. As such, he seeks a direction to take necessary action against the police who are illegally interfering with the possession of the petitioner's subject property.

3. The facts narrated in the affidavit filed in support of the writ petition and the submissions of learned counsel appearing for respondents 6 and 7 would go to show that there is inter-se dispute, and petitioner filed OS.No.66/2018 seeking perpetual injunction in the Court of II Additional District and Sessions Judge-cum-Vacation Civil Judge, Rangareddy District, and obtained injunction order.

4. Leaving open the interse disputes, the only issue that falls for consideration is whether the police are interfering with the possession and enjoyment of the property alleged to be belonging to the petitioner and in possession and such interference amounts to interfering with the civil dispute by the police.

5. As stated by the learned counsel for respondents 6 and 7 and the learned Government Pleader, complaint lodged by the petitioner was registered as Crime No.17/2018 on the file of Saroornagar Police Station, and another Crime No.326/2018 was registered basing on the complaint of 7th respondent. These two crimes are at the stage of investigation.

6. In the written instructions furnished by the learned Government Pleader, police denied the locking of premises as alleged by the petitioner and police, in fact, state that the petitioner and the 7th respondent locked the premises and one key is kept with the petitioner and another key is kept with the 7th respondent.

7. It is further stated by the learned Government Pleader that since two crimes were registered, the police have only visited the subject premises in the process of conducting investigation.

8. No other material is placed on record to show that police have locked the premises and kept the keys with them. The photographs enclosed to the writ petition paper book only disclose the presence of the police.

9. In the absence of any other material to show that the police have actually locked and when there is a denial by the police of the same, it cannot be said that police are interfering with the inter-se dispute.

10. Since crimes were registered, it cannot be said that police visiting the subject premises would amount to interference in the civil dispute. In the process of conducting investigation in the crimes registered, it is open to the police to visit the premises to elicit the information.

11. Accordingly, the writ petition is dismissed, leaving it open to the petitioner to work out his remedies. No costs. Miscellaneous petitions, pending if any shall stand closed.

5th February, 2019
tk.

P.NAVEEN RAO, J

