

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.34228 of 2011

ORDER:

Heard learned counsel for the petitioner as well as learned Government Pleader for Home appearing for respondent Nos.1 & 2.

2. The prayer in the writ petition is as follows:

“..... to issue a writ order or direction more one in the nature of Writ of Mandamus declaring the action of the 1st respondent herein in threatening the petitioner with dire consequences to distribute his self acquired properties and Retirement benefits among respondent No.3 and another son Kanakaraju at the instance of the respondents Nos.3 to 5 as illegal, arbitrary, unjust in violation of Article 21 of the Constitution of India and consequently direct the 1st respondent herein not to harass and threaten the petitioner to distribute his self acquired properties and retirement benefits to the petitioner sons i.e., to respondent No.3 and another and pass such other order or orders.....”

3. The learned Government Pleader filed counter affidavit of the 1st respondent. From perusal of the counter affidavit, it is revealed that the 1st respondent never harassed and threatened the petitioner and not interfered in the civil disputes between the petitioner and respondent Nos.3 to 5 by calling the petitioner to the Police Station. In fact, the 4th respondent herein lodged a complaint on 27.02.2009 with the SHO, II Town Police Station, Godavarikhani, stating that her husband by name Chandra Mouli and father in law i.e., petitioner herein and others have harassed her for additional dowry and basing on the said complaint a case in crime No.25 of 2009 for the offences punishable under Section 498-A IPC and Sections 3 & 4 of Dowry Prohibition Act had been registered on 27.02.2009 against the petitioner and others as

accused. A.1-husband of the 4th respondent was arrested on 01.03.2009 and other accused were surrendered on 04.03.2009 before the learned I Additional Judicial First Class Magistrate, Manthani. After completion of investigation, a charge sheet was also filed on 14.03.2009 before the Court concerned. After taking cognizance of the offences, the same was numbered as CC.No.49 of 2009. The case is under trial. It is specifically stated that except registering the above said crime against the petitioner herein and others the respondent police have never harassed and threatened the petitioner, more particularly, interfered in the civil disputes between the petitioner and respondent Nos.3 to 5 at any point of time. As far as calling the petitioner and respondent Nos.3 to 5 to the Police Station and asking the petitioner to distribute the amount amongst respondent Nos.3 to 5 is also specifically denied.

4. Though the counter affidavit is filed with specific facts and contentions, no reply affidavit is filed to rebut the same. Therefore the contents of the counter affidavit are deemed to be admitted.

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

6. Accordingly, the Writ Petition is dismissed. No costs. Miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE P. KESHAVA RAO

Date: 07.11.2019
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