

HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.369 of 2015

ORDER:

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

The prayer sought in the writ petition is as under:

“... to pass an order or orders one in the nature of writ of Mandamus declaring the inaction of the respondents 2 to 4 for not disposing of and considering the application for police protection made by the petitioners on 16.12.2014 with regard to the petitioners' property i.e., agriculture land bearing survey No.21 to extent of Acres 3.21 gts., and survey No.22 to extent of Ac.2.12 gts, total admeasuring Ac.5.33 gts, situated at Chevella village and mandal, Ranga Reddy District, as to implement the injunction order passed in I.A.No.445/2014 in O.s.No.70/2014 on the file of the Junior Civil Judge, Chevella, R.R. District and declare the same as illegal, arbitrary and against the principles of natural justice.”

Learned Government Pleader appearing for respondent Nos.1 to 4 placed on record written instructions dated 31.10.2019 issued by the Sub-Inspector of Police, Chevella Police Station, Cyberabad Commissionerate.

From a perusal of the said written instructions, it is revealed that on the complaint of one Sulthan Mohiuddin, Chief Executive Officer, A.P. Wakf Board, a case in Crime No.259 of 2014 for the offence under Sections 447 and 427 IPC and Section 52-A of the Wakf Act was registered on the file of the Chevella Police Station on 04.12.2014. During the course of investigation, witnesses were examined and their statements were recorded. After investigation, it was disclosed that already a suit in O.S.No.141 of 2005 on the file

of Civil Judge, Chevella, is pending. Since the matter is civil in nature, after obtaining permission from the Sub-Divisional Police Officer, Chevella, on 27.12.2015, the case was referred as “civil in nature” and a copy of the notice was already served to the petitioners.

In that view of the matter, this Court is of the opinion that no further cause would survive in the writ petition. Since a copy of the notice was already given to the petitioners, the remedy available to them is to file a protest application before the concerned Magistrate raising their objections.

Accordingly, the writ petition is closed. No order as to costs.

Miscellaneous petitions, if any, shall also stand closed.

P. KESHAVA RAO, J

Date: 23.12.2019.
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