

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Writ Petition No.25421 of 2019

ORDER:

The present writ petition is filed to declare the action of the official respondents and in particular 5th respondent- Inspector of Police, Keesara Police Station, Rachakonda, either in not registering the FIR in pursuance of the petitioner's complaint dated 26.03.2018 or in not extending the police protection in the light of the representation dated 19.04.2019, in furtherance of the injunction order dated 29.03.2019 in I.A. No.299 of 2018 in O.S.No.262 of 2018 passed by the I Additional Junior Civil Judge-cum-XVIII Additional Metropolitan Magistrate, Cyberabad at Malkajgiri, Ranga Reddy District, as illegal, arbitrary, discriminatory, highhanded, in dereliction of duty and violation of the principles of natural justice.

Heard Sri Nazir Ahmed Khan, learned counsel for the petitioner and the learned Government Pleader for Home appearing for the official respondents 1 to 5 and Sri Police Venkat Reddy, learned counsel for the 6th respondent and Sri P. Vishnuvardhana Reddy, learned counsel for the 7th respondent.

The learned counsel for the petitioner submits that subsequent to the filing of the writ petition, the 5th respondent has issued a communication dated 27.11.2019 in

relation to the complaint dated 26.03.2019 whereby it is stated that the issue relating to the land dispute is purely civil in nature and advised the petitioner to approach the appropriate civil Court to resolve the same.

The learned counsel for the petitioner while assailing the stand of the 5th respondent, submits that the police authorities cannot refuse to take action by stating as 'civil in nature' and in particular having regard to the subsequent complaint dated 19.04.2019 whereby the petitioner has sought for extending the police aid for implementing the injunction order dated 29.03.2019 granted by the I Additional Junior Civil Judge, Malkajgiri and on the basis of above submits that the inaction of the 5th respondent would clearly show dereliction of duty in extending the police aid.

On the other hand, the learned Assistant Government Pleader for Home submits that insofar as the complaint of the petitioner dated 26.03.2018 is concerned, since the 5th respondent has issued notice on 27.11.2019, it is open for the petitioner to approach the appropriate forum to avail remedies in accordance with law. With regard to the another complaint dated 19.04.2019, the learned Assistant Government Pleader for Home submits that since there is no order from the Court to extend such police aid, the respondent authorities did not extend such police aid. He would submit that upon complaint made by the petitioner, an

entry was made in the General Diary and since it disclosed that there is an *inter se* civil disputes, the respondent authorities did not extend the police aid, in the absence of any specific direction from the concerned Court.

The learned counsel representing respondents 6 and 7 submits that this Court should not grant any relief as sought for in the writ petition, since the petitioner has approached this Court by suppressing the fact of approaching the concerned Court for the same relief as sought for in the writ petition.

It is submitted by the learned counsel for the 7th respondent that the petitioner has filed IA No.339 of 2019 in IA No.299 of 2018 in OS No.262 of 2018 under Section 151 of the Civil Procedure Code for the same relief as sought for in the present writ petition and the said IA has been filed by the petitioner on 11.09.2019, i.e., much prior to the filing of the writ petition and therefore, he submits that the petitioner cannot be permitted to maintain multiple proceedings for the same relief and also suppression of such fact in the Writ Petition disentitles any relief being granted by this Court in favour of the petitioner.

The learned counsel appearing for the 6th respondent submits that insofar as the order in IA No.299 of 2018 in OS No.262 of 2018 is concerned, the respondent preferred an appeal before the XVI Additional District Judge's Court at

Malkajgiri and the same is numbered as CMA No.36 of 2019 and it is posted for hearing to 10.12.2019.

The learned counsel for the 7th respondent submits that even the 7th respondent preferred an appeal in CMA (SR) No.5758 of 2019 against the order in IA No.299 of 2018 and it is pending consideration.

Having regard to the fact that since the petitioner has already approached the Court below seeking police aid for implementation of the order in IA No.299 of 2018 in OS No.262 of 2018 before the I Additional Junior Civil Judge-cum-XVIII Additional Metropolitan Magistrate, Cyberabad at Malkajgiri, the present writ petition as filed before this Court for the same relief, is to be viewed clearly as abuse of process of law and therefore, the writ petitioner is not entitled for any relief from this Court.

For the foregoing reasons, the writ petition is without merit and is dismissed accordingly. However, there shall be no order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in this writ petition shall stand closed.

T. VINOD KUMAR, J

Date: 09.12.2019
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