

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.29904 of 2013

ORDER:

Heard learned counsel for the petitioner as well as learned Government Pleader appearing for respondent Nos.1 to 3.

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

“...to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents 2 and 3 in preventing the petitioner from erecting the gate in front of the temple at the instance of the respondent No.4 as illegal and violative of temporary injunction order dated 12.07.2010 of II Additional Junior Civil Judge, Ranga Reddy District in O.S.No.711 of 2008 as confirmed by the II Additional District Court by order dated 29.10.2012 in CMA No.93 of 2010 and consequently direct the respondents 2 and 3 to provide protection in erecting the gate to the petitioner temple, and pass such other order or orders may deem fit and proper in the circumstances of the case.”

3. Learned Government Pleader placed on record the written instructions, dated 22.10.2013, issued by the Sub-Inspector of Police, Vanasthalipuram Police Station, Cyberabad Commissionerate.

4. A perusal of the said written instructions would reveal that on the complaint lodged by the petitioner herein as well as the 4th respondent, cases in Crime Nos.631 and 632 of 2010 were registered on the file of the Vanasthalipuram Police Station against each other.

However, both the cases were closed on 22.09.2010 as 'lack of evidence and civil in nature'. It is also mentioned that with regard to the subject property in question, the petitioner filed O.S.No.711 of 2008 on the file of the Court of II Additional Junior Civil Judge, Ranga Reddy District, and obtained injunction order on 12.07.2010. It is further mentioned in the written instructions that since the civil dispute between the petitioner and the 4th respondent is pending adjudication with regard to the ownership and title of the subject property in question, the respondent police are not in a position to give police protection.

5. Learned counsel appearing for the petitioner brought to the notice of this Court that the suit filed by the petitioner has been decreed, against which an appeal has been filed by the 4th respondent, vide A.S.No.131 of 2016. It is also brought to the notice of this Court that the said appeal is pending consideration before the learned Principal District Judge, Ranga Reddy District.

6. As it is brought to the notice of this Court that the suit filed by the petitioner was already been decreed, it is open for the petitioner to take appropriate steps available to him as per law. In view of the same, this Court is of the opinion that no further cause would survive in the writ petition by virtue of the subsequent developments i.e., the suit in O.S.No.711 of 2008 decreed in favour of the petitioner and it is liable to be closed.

7. Accordingly, the writ petition is closed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed. No costs.

P. KESHAVA RAO, J

26th September 2019

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