

THE HONOURABLE SRI JUSTICE P. KESHAVA RAO

WRIT PETITION No.14651 of 2014

ORDER:

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

“.....to issue a writ of mandamus declaring the action of the respondents not taking against my representation dated 03.05.2014 where in seeking police protection to the petitioner's schedule property (described below) and also not taking any action against the encroachers except registering the crimes against them and consequently direct the respondents to protect the petitioner from the encroachers in Sy.No.739, 740, 741 and 742 of Koremul village, Ghatkesar Mandal, R.R.District (described in schedule below) and consequently further direct to take immediate action on the complaints given by the petitioner to the respondents and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. There was no representation on 03.12.2019 and 17.12.2019.

Therefore, the matter was directed to be listed on 19.12.2019 under the caption 'for dismissal'. Even on 19.12.2019, there was no representation on behalf of the petitioner. However, to give one more opportunity, the matter was posted today. Even today also, there is no representation on behalf of the petitioner, in spite of the matter listed under the caption 'for dismissal'. From this, it appears that the petitioner is not interested to prosecute the matter diligently.

3. Learned Government Pleader submits that the 5th respondent filed counter-affidavit denying the allegations made in the affidavit filed in support of the writ petition and contended *inter alia* that in due obedience to the interim orders of this Court, the 5th respondent thoroughly verified the records of the Police Station and conducted preliminary enquiry into the contentions raised by the petitioner in its

representation, dated 03.05.2014. In the enquiry, it was revealed that there are serious disputes between the petitioner and the alleged encroachers with regard to the petition schedule property in question. So far 13 cases were registered on the file of the Ghatkesar Police Station, Cyberabad, over the subject property against both the parties i.e., the petitioner herein on one hand and the alleged encroachers on the other hand. In view of the same, it was not possible for the respondent police to provide police protection to the petition schedule property. Keeping in view of the pendency of the criminal cases registered against the petitioner as well as the alleged encroachers, the request of the petitioner seeking police protection was thoroughly examined, considered and rejected by the respondent by issuing memo No.MISL/MK5/CYB/2014, dated 30.05.2014. It is also specifically mentioned that a copy of the memo was also served on the petitioner. Therefore, the allegation of the petitioner that no action was taken on the representation of the petitioner is not correct. In fact, it is also stated in the counter-affidavit that the petitioner herein filed W.P.No.3154 of 2014 on earlier occasion in this Court seeking a direction to the respondent police to provide police protection for erecting fencing around the property in question. This Court, by its order, dated 29.01.2014, directed that 'police shall not interfere except in accordance with law in any civil disputes relating to property of the petitioner'. It is also specifically stated that the 5th respondent shall abide by the directions given by this Court in the earlier writ petition. The said writ petition is also pending adjudication before this Court as

on the date of filing of the counter-affidavit. Though, the petitioner has made allegations against the encroachers in the affidavit filed in support of the writ petition, he has not impleaded them as party respondents, for the reasons best known to him. It is specifically stated that if the said encroachers impleaded as respondents, the real facts would come out. It is also specifically stated that unless a specific direction is given to the respondent police to provide police protection to the petition schedule property, it is difficult for the respondent police to provide police protection to the petitioner's Corporation when the criminal cases are pending against the petitioner herein as well as alleged encroachers. The other allegations made in the affidavit are also denied.

4. Though a specific counter-affidavit is filed, no reply affidavit is filed rebutting the contentions raised in the counter-affidavit. Therefore, the contentions raised in the counter-affidavit goes un-rebutted and binding on the petitioner.

5. That apart, in the counter-affidavit, the 5th respondent has categorically stated that the request made by the petitioner in his representation, dated 03.05.2014, was considered and rejected by the 5th respondent by issuing the memo as stated supra. Therefore, the contention of the petitioner that the respondents are not taking any action on his representation may not stand to legal scrutiny and the relief sought in the writ petition has worked out itself by efflux of time and no further cause would survive in the writ petition.

Therefore, on both the counts, the writ petition is liable to be dismissed.

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

Miscellaneous petitions pending, if any, shall stand dismissed.

P. KESHA VA RAO, J

23rd December 2019
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