

HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.19592 of 2014

ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for respondents 1 to 4 and Mr. G.L. Narasimha Rao, learned counsel for respondent 5 to 7.

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

"...the Hon'ble Court may be pleased to issue writ of mandamus declaring the action of the respondent Nos.2 to 4 and their subordinates in interfering in civil disputes in respect of the land of the petitioners i.e. land admeasuring Ac.5-34 gts., in Sy.No.165/AA situated at Pedda Thanda (V), H/o Edulapuram, Khammam Rural (M), Khammam District, despite injunction order granted in IA.No.2068/2013 in OS.No.595/2013 dated 30.12.2013 on the file of learned Senior Civil Judge, Khammam is illegal, arbitrary, violative of principles of natural justice and consequently direct the respondent Nos.2 to 4 not to interfere with in the civil disputes in any manner and pass such other order orders as this Hon'ble Court may deems fit, just and proper in the circumstances of the case."

3. The learned Government Pleader appearing for the respondents 1 to 4 placed on record the written instructions dated 19.07.2014 issued by the Sub-Inspector of Police, Khammam Rural Police Station, Khammam District.

4. From a perusal of the said written instructions, it is revealed that respondent No.6 herein lodged a complaint on 25.11.2013 with the Station House Officer, Khammam Rural Police Station, stating that the third petitioner had trespassed into the land in Sy.No.165/AA, Pedda Thanda village, H/o. Edulapuram, Khammam Rural Mandal, Khammam District and damaged the boundary stones of the land. Therefore, he requested to take necessary action. Basing on the complaint, a case in Cr.No.567 of 2013 for the offence under Sections 447 and 427 of the Indian Penal Code was registered on 25.11.2013

against the third petitioner herein and investigation was taken up. During the course of investigation, the complainant and five witnesses were examined and their statements were recorded. As per the revenue records, since 1984 one Kambampati Purna Chander Rao and others are owners and possessors of the said land. On 29.11.2013, the third petitioner was arrested and sent to judicial custody. The case is pending trial vide CC.No.35 of 2014 before the II Additional Judicial First Class Magistrate, Khammam. Except registering the above said criminal case, the respondent No.4 never interfered in the civil disputes between the petitioners and the unofficial respondents at any point of time. The petitioners also lodged a complaint on 24.02.2014 with the respondent No.4 stating that respondent Nos.5 to 7 have trespassed into their land in Sy.No.165/AA, Pedda Thanda Village, H/o Edulapuram, Khammam Rural Mandal, Khammam District and requested to take necessary action against the unofficial respondent Nos.5 to 7. After enquiry, it was revealed that, as per the revenue records, since 1984 one Kambampati Purna Chander Rao and others are owners and possessors of the said land. Therefore, respondent Nos.5 to 7 have not trespassed into the said land, as alleged by the petitioners. Hence, no criminal case was registered. The allegation of the petitioners that the respondent – police interfered with land of the petitioners is also incorrect and baseless.

5. From a perusal of the affidavit filed in support of the writ petition and the instructions placed on record by the learned Government Pleader, it appears that there are civil disputes between the parties in respect of the land in Sy.No.165/AA of Pedda Thanda Village, H/o Edulapuram, Khammam Rural Mandal, Khammam District. In that view of the matter, this Court is of the opinion that there are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. As a sequel thereto, pending miscellaneous petitions, if any, shall stand dismissed. There shall be no order as to costs.

P. KESHAVA RAO, J

December 9, 2019
DSK

