

HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.26207 OF 2013

ORDER:

There is no representation on behalf of the petitioner.

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

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Court may be pleased to issue any writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent No. 1 in encouraging the unofficial respondents to trespass into the land in Survey No 58/1/S admeasuring Ac. 01-04 guntas situated at Karmanghat Village, Saroor Nagar Mandall, R.R. District which is contrary to the judgment and decree granted by the Principal Junior Civil Judge, R.R. District in O.S. No. 1014 of 1999 dated 25.06.2013 and further the interference of the respondent No.1 in civil disputes as illegal, arbitrary and violative of Articles 14, 21 and 300-A of the Constitution of India, consequentially direct the respondent No.1 not to encourage the unofficial respondent and its' members to trespass into the land of the petitioner in Survey No. 58/1/S admeasuring Ac. 01-04 guntas situated at Karmanghat village, Saroor Nagar Mandal, R.R. District and further not to interfere into civil dispute and pass an appropriate order and pass such other order or orders as deemed fit and proper in the circumstances.”

3. The first respondent-police filed counter affidavit denying the averments made in the affidavit filed in support of the writ petition and contended *inter alia* that one Puppala Renaiah approached the Police Station, Meerpet on 26.08.2013 and lodged a complaint stating that in the year 2009 he has purchased plot No.177 admeasuring 169 square yards situated in Sy.No.60, Sri Ramana Colony and constructed a house in which five tenants are residing for the last two years. However, on 26.08.2013 at 8.15 a.m. the petitioner along with some others criminally trespassed into his house and abused the tenants in filthy language and threw away their articles outside and threatened them to leave the place, or else, they were threatened to kill. In that connection and based on

the said complaint, a case in Crime No.484 of 2013 for the offences under Sections 448, 427, 504, 506 r/w 34 IPC was registered on the file of the Police Station, Meerpet, Cyberabad on 26.08.2013 and investigation was taken up. In the said crime, the petitioner was shown as A-1. During the course of investigation, the investigating officer examined the complainant and other plot owners and recorded their detailed statements. The investigation conducted so far disclosed that there is a civil dispute in respect of the land in Sy.No.58/1/5 and Sy.No.60. Further investigation also disclosed that the petitioner filed a suit in O.S.No.1014 of 1999 against Si Ramana Colony Welfare Association-2nd respondent on the file of the Court of the Principal Junior Civil Judge, Ranga Reddy at L.B. Nagar and obtained judgment and decree in his favour. Aggrieved by the said judgment and decree, the 2nd respondent Association filed an appeal vide A.S.No.229 of 2007 on the file of the Court of the IV Additional District Judge (FIC), Ranga Reddy and obtained stay orders in I.A.No.459 of 2013 in A.S.No.229 of 2007 dated 23.09.2013. Since both parties are claiming rights over the land, for the purpose of investigation and to take further course of action in the case, the investigating officer addressed a letter to the Tahsildar, Saroomnagar on 08.10.2013 requesting him to demarcate the lands between Sy.No.60 and Sy.No.58/1/S of Karmanghat village, Saroomnagar mandal enabling the investigating officer to proceed with further legal action. It is further stated in the counter affidavit that the respondent-police never interfered with the civil disputes as alleged in the affidavit. The allegation that the respondent-police is encouraging the unofficial respondent to trespass into the land of the petitioner is also specifically denied. The respondent-police also

never called the petitioner to the police station and threatened him to implicate in number of cases.

4. During the course of arguments, the learned Government Pleader brought to the notice of this Court that after completing investigation, charge sheet was filed before the Magistrate concerned and after trial, the learned Magistrate found the petitioner guilty, convicted and sentenced him to undergo imprisonment for a period of two years and also sentenced to pay fine of Rs.2,000/- vide C.C.No.329 of 2014 on 03.06.2016.

5. In that view of the matter, this Court is of the opinion that there is a civil dispute between the petitioner and the 2nd respondent-Association. The police have never interfered in the civil dispute and they never called the petitioner to the police station and threatened to implicate him in number of cases. As such, there are no merits in the writ petition and the same is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHA VA RAO, J

Date: 16.09.2019.
ccm

HONOURABLE SRI JUSTICE P. KESHAVA RAO



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