

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.16315 of 2014

ORDER:

Heard learned counsel for the petitioner as well as the respondents.

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

“... to issue a Writ or order or direction, more particularly one in the nature of Writ of Mandamus, declaring the highhanded action of the 3rd respondent in interfering in a Civil Matter and threatening the Directors and other members of the petitioner at the instance of the 4th respondent as bad arbitrary, illegal and violation of principles of Natural Justice and consequently direct the respondents No.1 to 3 herein not to interfere with the affairs of the petitioner company which is managing the school and the property known as India Mission Compound bearing Premises No.1-3-5/1,2,3 etc. including the land admeasuring Ac.5-31 gts. in Sy.No.1042 situated at Bhongir, Nalgonda District and pass such other and further order or orders, as this Hon’ble Court may deem fit and proper in the circumstances of the case in the interest of justice.”

3. Learned Government Pleader appearing for the respondents 1 to 3 placed on record the written instructions, dated 19.06.2014, issued by the Inspector of Police, Bhongir Town Police Station, Nalgonda District.

4. From a perusal of the said written instructions, it is revealed that on 28.05.2014 one Mr.A.Prabhakar, Secretary, Christian Gospel

Mission, Bhongir i.e., the 4th respondent herein, approached the 3rd respondent and lodged a complaint stating that he is running the 4th respondent institution along with others for the past more than 30 years. However, one Mr.V.Samuel and Mr.M.J.John were occupying the premises bearing No.1-3-5, Indian Mission Compound, Bhongir Town, Nalgonda District, forcibly and illegally for the last ten years and when they approached the Court of law for their illegal occupation, a judgment was delivered in their favour by issuing an injunction order restraining the defendants and their men from interfering with the peaceful possession and enjoyment over the plaint schedule property. Subsequent to receipt of the complaint, an entry was made in the General Diary of the Station stating that after conducting a preliminary enquiry into the matter, necessary action will be taken against concerned persons. On preliminary enquiry, it was revealed that the dispute between the 4th respondent as well as the petitioner herein is purely civil in nature and hence no action was taken on it.

5. In the written instructions it is further mentioned that on 12.06.2014, the Secretary of the 4th respondent institution lodged a complaint requesting to initiate action against one Mr.Prem Kumar and his henchmen, since they came to him and abused him in vulgar language and threatened him with dire consequences and his life is in danger and requested to take necessary action. Basing on the said complaint, an entry was made into the General Diary of the Station on

the same day itself i.e., on 12.06.2014 and conducted a preliminary enquiry. During the course of preliminary enquiry, it was elicited that the 4th respondent herein has already filed a suit in O.S.No.334 of 2008 and obtained judgment and decree in their favour. It is also elicited in the enquiry that the writ petitioner filed O.S.No.112 of 2013 against the 4th respondent and others. The said suit filed by the petitioner is pending adjudication before the concerned Court. Since the dispute between the 4th respondent and the petitioner is civil in nature, the 3rd respondent advised both the parties to settle the matter amicably in a competent Civil Court. However, no case of whatsoever is registered as on the date of the written instructions against any of the parties on the file of the Bhongir Town Police Station. Except advising both the parties, the 3rd respondent never interfered with the civil matters pending between the parties nor threatened the Directors and other members of the petitioner institution at the instance of the 4th respondent. Having grudge against the 4th respondent, the petitioner made baseless allegations against the 3rd respondent and hence no credence can be given to the allegations made by the petitioner.

6. In that view of the matter, this Court is of the opinion that no further cause would survive in the writ petition, since the respondent police have already advised the petitioner as well as the 4th respondent to settle the matter in a competent civil Court and since the suit and

counter-suit have been filed by the petitioner as well as the 4th respondent.

7. Accordingly, the writ petition is closed.

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

P. KESHA VA RAO, J

4th December 2019

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