

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Writ Petition No.1939 of 2020

ORDER:

The present writ petition is filed to declare the action of the respondents 3 and 4 in interfering in civil disputes, more so, when CMA No.496 of 2015 and CMA No.18 of 2020 are pending before this Court in respect of the same property, as being illegal and arbitrary.

Heard Sri K.V. Bhanu Prasad, learned counsel for the petitioner and the learned Assistant Government Pleader for Home appearing for official respondents 1 to 4 and Sri I.V. Radhakrishna Murthy, learned counsel for 5th respondent.

The learned Assistant Government Pleader for Home, on written instructions dated 31.01.2020, a copy of which is placed on the record of this Court, submits that the 5th respondent lodged a complaint on 02.01.2020 with the 4th respondent-Station House Officer, Gachibowli Police Station, Cyberabad, alleging trespass by the petitioner into his land and causing damage therein. Based on the said complaint, a case was registered as Crime No.2 of 2020 on the same day for the offences punishable under Sections 447 and 427 of the Indian Penal Code, 1860 against the petitioner and investigation has been taken up. It is stated that in the course of investigation of the complaint, the 4th respondent authority has visited the scene of offence situated at Survey Nos.251 and 252 of Vattinagulapally Village, Rajendranagar

Mandal and recorded the complainant's statement and the investigation in the matter is under progress. It is further stated that in the course of investigation only, the petitioner was summoned to the police station on 11.01.2020 and 12.01.2020, but respondents 3 and 4 never threatened the petitioner not to make any construction. It is also stated that respondents 3 and 4 are only discharging their legitimate duties by investigating into the complaint registered as Crime No.20 of 2020 and did not interfere in civil disputes between the petitioner and the complainant at any point of time.

Having regard to the fact that a case in Crime No.2 of 2020 having been registered and is under investigation, the respondent authorities shall act in accordance with law.

Insofar as interference by the respondents 3 and 4 in the civil disputes is concerned, having noted the submissions made on behalf of the official respondents by the learned Assistant Government Pleader for Home, on the basis of written instructions, no further orders need be passed in the matter.

Subject to the above observation, the writ petition is closed. Pending miscellaneous petitions, if any, pending in this writ petition shall stand closed in the light of this final order. No order as to costs.

T.VINOD KUMAR, J

Date: 25.02.2020
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