

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.27262 of 2019

ORDER:

The present writ petition is filed to declare the action of the 5th respondent in interfering in the property dispute of the petitioner and calling the petitioner to the police station and threatening him with dire consequences, as illegal, arbitrary and unconstitutional.

2. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Home.

3. Learned Assistant Government Pleader for Home, on written instructions, dated 10.01.2020, submits that on 04.01.2019, one Parul Karani made a phone call to the Station House Officer stating that some un-known persons trespassed into his land at Road No.12, Banjara Hills, and cleaning the land with JCB, upon which, the Station House Officer deputed area patro car staff to the site, and on enquiry, it was disclosed that one Vemula Shankar and others were leveling the said land by using JCB and then, the police personnel asked them not to create any nuisance and advised the parties to approach the competent Court for redressal of their grievance. While so, on 04.01.2020, at 1630 hours, the Station House Officer received a complaint from Parul Karani through registered post, wherein it is alleged that one Mirza Rasheed Baig, Mirza Hyder Baig and others created fake and fabricated/forged documents and illegally trespassed into their property and as per the latest encumbrance certificate issued in the year 2016 and 2018, the name of H.J.Karani is appearing as owner of the plot and it was never sold by him at any point

of them. As such, it appears that with the fabricated/forged documents, the petitioner illegally trespassed into their property.

4. By the said written instructions, learned AGP submitted that on receipt of the above complaint, a case was registered in Crime No.15 of 2020 for the offence punishable under Sections 447, 427, 468 and 471 read with Section 34 IPC on the file of Banjara Hills Police Station, on 04.01.2020, wherein the petitioner and his GPA holder are arrayed as accused 1 and 2 and the investigation in the above said case is pending. It is submitted that, except conducting investigation into the above case registered, the respondent police never interfered in the civil disputes of the petitioner, at any point of time, nor called him to the police station. It is also stated that in respect of the same said property, earlier two cases were registered and particularly, one at the behest of the Joint Sub-Registrar-I, Regional Office, Hyderabad, *vide* Crime No.265 of 2019.

5. Having regard to the submissions made on behalf of the official respondents, since a case has been registered against to the petitioner herein for illegal trespass, and the said case is being investigated into, the authorities shall take necessary action in the above said case, in accordance with law.

6. The writ petition is accordingly closed. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

JUSTICE T.VI NOD KUMAR

Date:31.01.2020

GJ