

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.32861 of 2014

ORDER:

Heard learned counsel for the petitioners as well as learned Government Pleader appearing for respondent Nos.1 to 4.

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

“...to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 3rd and 4th respondents are trying to evict the petitioners from their said property of Agricultural land in Sy.No.204, admeasuring Acres 0.27 guntas, situated at Shamshabad Village and Grampanchayath, Shamshabad Mandal, Ranga Reddy District, which are illegal, highhanded, arbitrary, unconstitutional, and against the principles of natural justice and consequently direct the 3rd and 4th respondents not to interfere or evict this petitioners from the said property of Agricultural land in Sy.No.204, admeasuring Acres 0.27 guntas, situated at Shamshabad Village and Grampanchayath, Shamshabad Mandal, Ranga Reddy District, and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the above in the interests of justice and equity.”

3. Learned Government Pleader placed on record the written instructions issued by the Sub-Inspector of Police, Rajiv Gandhi Air Port Police Station, Cyberabad Commissionerate.

4. From a perusal of the said written instructions, it is revealed that the land admeasuring Ac.4.30 guntas in Survey No.240 is situated beside Annapurna X Road, Shamshabad town. In respect of the said land, one Khuzaimah Jamil on one side and Kundela Siddulu and others on the other side are quarrelling with each other claiming rights and ownership over the said property. In connection with the same, three crimes have been registered, vide Crime Nos.378 of 2009, 379 of 2009 and 341 of 2014. Since the above said parties were

quarrelling frequently with each other and disturbing the peace and tranquility and there was possibility of further aggravation of the situation, a proposal was submitted to the Revenue Divisional Officer, Chevella Division, Ranga Reddy District, on 29.10.2014, requesting him to issue directions to initiate Section 145 Cr.P.C. proceedings against both the parties and take over the possession of the above said disputed property in the interests of justice, so as to maintain law and order and peace in the area. When the matter is pending with the Revenue Divisional Officer, the petitioners filed the present writ petition making allegations that the 4th respondent Police are trying to evict the petitioners. As far as the said allegation is concerned, it is specifically mentioned in the written instructions that the 4th respondent is not competent authority to evict the petitioners from the possession of the property in question. Instead of settling their issue before the competent civil Court, the petitioners filed the present writ petition with false and baseless allegations. It is also further mentioned in the written instructions that except registration of the above crimes and proceeding with the investigation of the cases, as contemplated under the Code of Criminal Procedure, the 4th respondent never interfered with the possession and enjoyment of the property of the petitioners. It is also mentioned that if petitioners have impleaded revenue authorities as party respondents to the writ petition, the real facts would come to light.

5. Learned counsel appearing for the petitioners brought to the notice of this Court that out of three crimes as stated supra, Crime No.379 of 2009 and Crime No.341 of 2014 were ended in acquittal.

6. From the facts and contentions raised supra, this Court is of the opinion that there are civil disputes between the petitioners and unofficial respondent Nos.5 to 8 over the subject property in question. Since the parties have already approached the competent civil Court, they have to work out their remedies in the suits filed by them. When the disputed questions of fact are there over the subject property, particularly, with regard to the rights and ownership over the property, the writ petition filed under Article 227 of the Constitution of India, is not maintainable. That apart, in the written instructions, it has been clearly mentioned that except registration of the crimes and proceeding with the investigation, the respondent police are not interfering with the possession and enjoyment of the subject property of the petitioners.

7. In that view of the matter and recording the said submissions, the writ petition is closed giving liberty to the petitioners to work their remedies in the suits filed by them. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

P. KESHAVA RAO, J

8th January 2020

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