

**IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)**

**WEDNESDAY, THE TENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 11146 OF 2013



Between:

Diesel Locoshed and other S.E. Railway Employees House Building society Limited, B1545, rep. by its Secretary, D.R. Somayajulu, S/o. D.Y. Somayajulu, aged 78 years, R/o. 36-92/37/50, S.E. Railway Employees colony, Kancharapalem, Visakhapatnam.

...PETITIONER

AND

1. The Station House Officer, V Town police Station, Kancharapalem, Visakhapatnam, Visakhapatnam District
2. Visakhapatnam Municipal Corporation, Rep. by its Commissioner, Visakhapatnam.
3. The District Collector, Visakhapatnam, Visakhapatnam District.
4. Athili Appala Swamy, S/o. Peda Venkataramana, Aged about 56 years, Occ: Advocate, R/o. behind Steel City public school, Kancharapalem, Visakhapatnam, Visakhapatnam District.
5. The Commissioner of Police, Suryabagh, Visakhapatnam.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in not taking any action against the 4th respondent pursuant to the crime registered vide F.I.R.No. 203 of 2013 on the file of the V Town police Station, Kancharapalem, Visakhapatnam and consequently direct the 1st respondent to provide protection to the members of the petitioner's association in relation to their properties situated in Sy.Nos. 30/1, 30/2a, Kapparad Village, Visakhapatnam District and pass

I.A. NO: 1 OF 2013(WPMP. NO: 13814 OF 2013)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant interim direction to the respondent Nos. 1, 2, 3 and 5 to take action immediately on the 4th respondent and provide protection to the members of the

petitioners association in relation to their extent of 6 acres situated in Sy.Nos. 30/1, 30/2a, Kapparad Village, Visakhapatnam District, pending disposal of the writ petition.

Counsel for the Petitioner: M/s. V. SESA KUMARI

Counsel for the Respondent Nos.1 & 5: GP FOR HOME

Counsel for the Respondent No.2: SRI K. MADHAVA REDDY, SC FOR V.M.C

Counsel for the Respondent No.3: GP FOR REVENUE

Counsel for the Respondent No.4: SRI G. RAMA GOPAL

The Court made the following: ORDER

THE HON'BLE DR. JUSTICE K. MANMADHA RAO

WRIT PETITION No.11146 OF 2013

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India, seeking the following relief:

".....to issue a Writ, Order or direction more particularly one in the nature of Writ of mandamus declaring the action of the 1st respondent in not taking any action against the 4th respondent pursuant to the crime registered vide F.I.R.No.203 of 2013 on the file of the V Town Police Station, Kancharapalem, Visakhapatnam and consequently direct the 1st respondent to provide protection to the members of the petitioners association in relation to their properties situated in Sy.Nos.30/1, 30/2a Kapparad Village, Visakhapatnam District and pass such other orders...."

1. Heard.

2. When the matter is taken up for hearing, learned Assistant Government Pleader for Home appearing for the official respondents, on instructions, categorically submitted that basing on a report of the complainant, a crime was registered and after completion of investigation, the case was referred as civil in nature vide proceedings dated 28.06.2018. Therefore the cause in this writ petition does not survive and requested to close the same.

3. Recording the submissions of learned Assistant Government Pleader for Home, this Writ Petition is closed. There shall be no order as to costs.

The miscellaneous applications pending, if any, shall also stand closed.

**SD/- U. SRIDEVI
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to M/s. V. Seshu Kumari, Advocate [OPUC]
2. One CC to Sri G. Rama Gopal, Advocate [OPUC]
3. One CC to Sri K. Madhava Reddy, SC for V.M.C[OPUC]
4. Two CC's to GP for Home, High Court of A.P at Amaravati[OUT]
5. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
6. Three CD Copies.

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HIGH COURT

DATED:10/01/2024

ORDER

WP.No.11146 of 2013

10 copies
ADP
26/4/24



CLOSING THE W.P. WITHOUT COSTS