APHC010537092026

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

TUESDAY, THE 17th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 29580 OF 2026

Between:

1. K.N.V.P. Santhosh Kumari @ Fareeda, W/o Sheik Khaja Mohiddin,Aged gout 38 years, D.No. 58-11-101, Karasa, Near Ramalayam Temple, NAD Kotha Road Visakhapatnam, Andhra Pradesh 530009.

2. Mr. Sheik Khaja Mohiddin, S/o Late Sk. Abdul Razak, Aged about 46 years, Occ Sr. Clerk, Personnel Department, East Coast Railway, Sambalpur Division, Residing at D.No. 58-11-101, Karasa, Near Ramalayam Temple,NAD Kotha Road, Visakhapatnam, Andhra Pradesh 530009.

...PETITIONERs

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Home, Secretariat Buildings, Velagapudi, Amaravati, Guntur District. 522238

2. The Superintendent of Police, Anakapalli District, Andhra Pradesh. 531001

3. The Station House Officer, K.D. Peta Police Station, Anakapalli District, Andhra Pradesh. 531001

4. Setti Varalakshmi, W/o Allu Lova Babu, Aged about major, R/o K.D. Peta, Narsipatnam, Anakapalli District, Andhra Pradesh. 531001

5. Allu Lova Babu, S/o not known, Aged about major, R/o K.D. Peta, Narsipatnam, Anakapalli District, Andhra Pradesh. 531001

6. Setti Naga Venkat Ganesh, S/o Not Known, Aged about major, Rio K.D. Peta, Narsipatnam, Anakapalli District, Andhra Pradesh 531001

...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 a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd Respondent in interfering in the civil disputes between the petitioner and the unofficial respondents, as well as harassing the petitioners by summoning them to the police station to settle the dispute in favor of the unofficial respondent and to pay the demanded amounts to the unofficial respondents, and threatening them with false cases if they fails to comply, as illegal, arbitrary, and violative of Articles 14 and 21 of the Constitution of India and

consequently direct the 3rd Respondent to cease any interference in the civil dispute between the petitioners and the unofficial respondents and to direct the police to follow the due process of law and adhere strictly to statutory procedures if any case or crime is registered against the petitioners and to return the signed blank white paper and pass

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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 direct the 3rd Respondent police not to summon, harass, or take any coercive steps against the petitioners without following due process of law, and not to interfere in any manner with the life, personal liberty, and ongoing medical treatment/dialysis of the petitioners at the instance of respondents 4 to 6„ and to pass

Counsel for the Petitioners: PILLI SUNDEEP

Counsel for the Respondents: GP FOR HOME

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION No: 29580 of 2026

The Court made the following Order:

Instant Writ Petition has been 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 3rd Respondent in interfering in the civil disputes between the petitioner and the unofficial respondents, as well as harassing the petitioners by summoning them to the police station to settle the dispute in favor of the unofficial respondent and to pay the demanded amounts to the unofficial respondents, and threatening them with false cases if they fails to comply, as illegal, arbitrary, and violative of Articles 14 and 21 of the Constitution of India and consequently direct the 3rd Respondent to cease any interference in the civil dispute between the petitioners and the unofficial respondents and to direct the police to follow the due process of law and adhere strictly to statutory procedures if any case or crime is registered against the petitioners and to return the signed blank white paper and pass".*

2. Overall sum and substance of the instant *lis* is that when the matter is *sub judice* before competent Civil Courts, appropriate forums, interference of police in respect of the very same subject properties *inter-se* parties is under challenge in this Writ Petition, mainly on the ground that the police have no jurisdiction to interdict or determine the civil rights of the parties.

3. Ld. counsel for the petitioners submits that petitioner Nos.1 and 2 are wife and husband and petitioner No.2 is working as Senior Clerk,

Personnel Department, East Coast Railway, Sambalpur Division. He further states that respondent No.6 filed S.T.C.No.39 of 2026 on the file of Additional Civil Judge (Junior Division) Court, Narsipatnam under Section 138 of the Negotiable Instruments Act, 1881 against the petitioner No.1 herein and same is pending adjudication.

4. He further states that at the instance of respondent No.6, respondent No.3 – police personnel are interfering with the civil rights of the petitioners without any legal cause.

5. Conversely, learned Assistant Government Pleader for Home, states that subsequent to the complaint of respondent No.4, police caused a preliminary enquiry. Further he states that the concerned police have not registered F.I.R against the petitioners herein. He also states that the police are not interfering with the civil rights of the petitioners.

6. Counsel for the petitioner draws the attention of this Court to the relevant provisions enunciated in the Bharatiya Nyaya Sanhita, 2023, the Bharatiya Nagarik Suraksha Sanhita, 2023 and the Police Act, 1861. Substantiating his assertions, learned counsel also relied on ***J.Lakshmi @ Lakshamamma & Another Vs. Commissioner of***

Police & Others[1] and ***G.B.C.Raj Gopal Vs. The Government of Andhra Pradesh, Represented by the Principal Secretary***[2].

7. Conversely, Sri P.Ajay Babu, learned Assistant Government Pleader for Home, while denying the averments made in the affidavit filed in support of the Writ Petition, and relying upon the written instructions dated 25.10.2026 received from the Sub-Inspector of Police, Krishnadevipeta Police Station, Anakapalli District, submits that the police are not interfering with the civil rights of the petitioners in any manner. He also did not dispute pendency of S.T.C.No.39 of 2026 on the file of Additional Civil Judge (Junior Division) Court, Narsipatnam between the parties is pending adjudication before the competent civil Court. In a nutshell, he submits that the police are in no way interfering with the civil rights of the petitioners. Learned Assistant Government Pleader has also placed a copy of the written instructions on record, and the same is made part of the record.

8. Ld. Assistant Government Pleader fairly brought to the notice of this Court the categorical instructions (dealing with civil disputes) of the Director General of Police, Andhra Pradesh vide No.76/DGP's Peshi/ 2025 dated 24.10.2025 to the concerned police personnel. He

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[1] 2004 (2) ALD Cr.477
[2] 2014 SCC OnLine AP 322

also read out the relevant paras of the same, for the sake of a comprehensive view, which are extracted hereunder:

> *It has been observed that land-related disputes, both private and government, are increasingly being reported across several districts. These disputes are often escalating into law and order situations, leading to communal tension, violent altercations, and property damage. Even minor disagreements over land boundaries or ownership are, in some instances, turning into major conflicts due to political, caste, or community dimensions being injected into the issue.*
>
> *xxx*
>
> *4. All Unit Officers and Range Officers are hereby directed to evolve a comprehensive district-wise strategy to identify, monitor, and resolve land dispute-related issues in coordination with the Revenue and Judicial authorities. The following course of action shall be strictly adhered to:*
>
> *(a) Preventive Measures under Law:*
>
> 1. *In cases where law and order disturbances are likely, the police must initiate preventive proceedings under BNS in coordination with revenue authorities and, where necessary, bind over the parties under preventive sections.*
> 2. *The local police should immediately bring the matter to the notice of the concerned Executive Magistrate and ensure that prohibitory orders are issued promptly to prevent breach of peace.*
> 3. *In every such case, the local CI/SDPO must personally supervise the situation until the dispute is brought under control or referred to competent authorities.*
>
> *(b) Coordination with Revenue & Judicial Authorities:*
>
> 1. *In cases involving civil ownership or title disputes, police should not take sides or interfere in the civil adjudication process.*
> 2. *However, close coordination with Tahsildars, RDOs, and Revenue Divisional Officers must be maintained to*

ensure timely demarcation, eviction, and enforcement of legal orders.

3. *The District Collector and SP/CP shall jointly review sensitive land disputes at least once every month to assess potential flashpoints.*

(c) Registration of Criminal Cases:

1. *When criminal intent or violence is evident—such as trespass, cheating, forgery, assault, or criminal conspiracy—appropriate criminal cases shall be registered under relevant sections of the Bharatiya Nyaya Sanhita, 2023.*
2. *Particular attention should be given to repeat offenders and politically motivated land grabbers, who often exploit technicalities in the civil process to encroach upon land or disturb peace.*
3. *Ensure speedy investigation and charge-sheet filing in such cases to deter others from similar behaviour.*

(d) Monitoring & Accountability:

1. *District SB shall prepare and maintain a Land Dispute Risk Register, classifying disputes as Low / Medium / High Risk based on communal sensitivity, violence potential, and local influence factors.*
2. *The SP/CP shall personally monitor the top 10 high-risk disputes in the district and submit a monthly status report to PHQ through the Range DIG concerned.*
3. *Any negligence, delay, or failure to act preventively leading to violence will be viewed seriously, and disciplinary action will be initiated against the responsible officers.*
4. *It is reiterated that Police do not play any role in deciding ownership or possession, which falls exclusively under the purview of civil courts and revenue authorities. However, police intervention becomes mandatory when there is a threat to public peace, life, or property, or when criminal acts arise from such disputes. Officers must therefore strike the right balance between legality and prevention, ensuring that law and order is preserved without overstepping jurisdictional limits.*

5. *The above instructions shall be implemented in letter and spirit, and Range DIGs shall review compliance during their district inspections and monthly law & order reviews.*

Emphasis supplied

9. In light of the above facts and circumstances of the case, the core issue to be determined in the instant case is:

> Whether the police have any jurisdictional powers to interfere or determine the civil rights of the parties, more particularly, pending the disputes before competent Civil Courts or statutory forums or not?

10. Heard learned counsel for the petitioners and learned Assistant Government Pleader for Home appearing on behalf of official Respondent-State and perused the entire material available on record.

11 Police have a statutory duty to maintain law and order and preserve public peace and safety. They are primarily responsible for preventing crime, controlling situations that may lead to breach of the peace, protecting the lives and properties of people, and taking lawful action against persons who engage in violence, threats, intimidation, or other unlawful activities. The police may also take necessary preventive measures when there is anticipation of disturbance or danger to public order. Thus, the essential role of Police is to prevent unlawful acts, protect people and property, maintain peace, and

ensure that individuals are able to carry on their lawful activities, without unlawful interference.

12. In fact, when the statutory powers are conferred on the particular wing more particularly judicial/quasi-judicial forums and the respective forums have seized the matter and dealt with the matter as per the prescribed procedure, no other executive authority, who is not vested with such adjudicatory powers under the relevant statutory framework, cannot encroach upon or usurp the powers of such exclusively vested jurisdictional powers of the competent forums and deal with the rights of parties contrary to the fundamental principles of law, if anything, going contrary to the prescribed tenets amounts to acting without jurisdiction under the principles of law.

13. In the scheme of Constitution of India, the duty to resolve civil disputes is entrusted to the judiciary. No such power is empowered to the Police. Interference in a pending civil dispute or a potential civil dispute between two citizens or two groups is not within the province of the police.

14. Furthermore, if a cognizable offence is reported to the police even as per the enunciated scheme of the Bharatiya Nagarik Suraksha Sanhita, 2023, (for brevity “BNSS 2023”), it is the duty of

the police to register and investigate the crime to unravel the truth and submit a report by way of charge sheet or final report to the concerned jurisdictional Court only. Thereafter, it is the duty of the competent Court to adjudicate the case after providing reasonable opportunity to the parties as well by following statutory procedures and to reach its logical conclusions, as per its jurisdictional sphere.

15. It is well settled that judicial power is a sovereign power which can be conferred only by constitutional as well as statutory schemes, and it cannot be taken away or assumed S*uo motu* by any other authority on its own, which is contrary to the well-settled legal principles.

16. Coming to the instant case, the Police Department, which has no jurisdiction to determine civil rights *inter se* parties, seeking to take over the powers vested in another statutory forum may lead to multifarious problems and anomalies, not only affecting the functioning of said police wing, but also prejudicing the rights of the parties, furthermore, to the societal interests too.

17. It is apt to note that when the police interfere with the rights of the parties without any lawful or jurisdictional authority, such interference can have serious and far-reaching consequences, not

only for larger societal interests but also the very functioning of the police and the discharge of their statutory duties.

18. It is relevant to note different expressions of the Constitutional Courts while dealing with the rights of police in interfering with the civil rights of the parties. In ***J. Lakshmi @ Lakshmamma and Anr. vs Commissioner of Police***[3]**,** the High Court of Andhra Pradesh at Hyderabad reiterated that the police authorities have no jurisdiction to interfere with the disputes or to compel the parties to arrive at a settlement through police intervention. Determination of civil rights and disputes relating to title or possession purely falls within the domain of the Civil Court, and police cannot assume such adjudicatory powers. The High Court, while observing that police cannot interfere in civil disputes, observed as under:

> *"4. The Supreme Court has repeatedly held that when the dispute is purely of civil nature, the jurisdiction under Article 226 of the Constitution cannot be exercised. The Supreme Court also repeatedly laid down that when the dispute between the two citizens is of civil nature and no crime is registered, police have no jurisdiction to interfere in the civil dispute. Further, when there is a civil litigation either before the court of law or before the tribunal, the police have no jurisdiction to interfere in the civil disputes. Further, when there is a civil litigation either before a court of law or before a tribunal, the police cannot interfere and even if a complaint is made in relation to such dispute pending in a civil court, the citizens have*

[3]2004 SCC OnLine AP 29

to be advised to resolve the dispute through a duly constituted court of law.

In the scheme of the Constitution of India, the duty to resolve civil disputes is entrusted to judiciary. Police have no such power. Any interference by police in a pending civil dispute or a potential civil dispute between two citizens or two groups of citizens is not within the province of the police. Furthermore, if a cognizable offence is reported to the police, it is the duty of the police to register the crime under Section 154 of the Code of Criminal Procedure, 1973 (Cr.P.C.,) and take up investigation immediately. In a given case, even if a civil dispute, to say a land dispute, is pending before a civil court and if the quarrel between the two warring parties has a potential of resulting in a law and order problem posing threat to the society at large, the police can always take up the case only after registering the crime under Section 154 Cr.P.C. Without registering the crime and without any reason the police cannot interfere."

19. Therefore, once the statutory powers that are conferred on the Executive Authorities itself come into the plunge with the intervention of Civil Courts, the very fundamental, foundational fact that the police authorities have not been conferred adjudicatory powers under the statutory scheme either in terms of provisions of BNS, 2023 or BNSS, 2023 nor under police laws, police interference with the civil disputes of parties is *per-se* illegal, arbitrary and absolutely without jurisdiction.

20. Recently, in ***Rohit Chaturvedi v. State of Uttarakhand***[4], the Supreme Court of India reiterated that executive action having a

[4]2026 SCC Online SC 865

bearing upon the personal liberty of an individual must satisfy the constitutional requirement of fairness and non-arbitrariness under Article 21 of the Constitution and held that the exercise of executive discretion affecting liberty cannot be allowed to remain uncanalised and must be based on relevant and rational considerations. Apex Court also emphasized that deprivation of liberty must have a lawful, rational and constitutionally sustainable basis and cannot rest upon a cryptic or unexplained executive decision.

21. In essence, when the police interfere with the rights of parties, without any lawful or jurisdictional authority, such interference can have serious and far-reaching consequences, not only on larger societal interests but also the very functioning of the police too. Hence, clear boundaries of functions of law enforcement agencies and judicial functions should be maintained.

22. All in all, from the overall facts and circumstances coupled with statutory regime as well as well-settled legal principles by the Supreme Court and other constitutional Courts, it is unequivocally settled that the police have no jurisdiction to adjudicate upon or determine the civil rights of parties *inter se*. The determination of civil rights is within the domain of Civil Courts and other legislative-conferred forums only. Accordingly, the core issue is answered.

23. Accordingly, this Writ Petition is disposed of as under:

i. Respondent-Police are directed not to interfere or adjudicate or determine, or settle the civil rights of the parties without legal cause.

ii. Respondent-Police personnel to follow the guidelines issued by the Director General of Police, Andhra Pradesh, *vide* Communication No.76/DGP's Peshi/2025 dated 24.10.2025 in its *stricto sensu*.

iii. Likewise, it shall be open to the respective parties to work out their legal remedies before the appropriate Civil Courts or competent forums, in terms of the law.

iv. It is hereby clarified that, if the police made out any cognizable offences against the petitioners, they are at liberty to proceed in accordance with the law.

There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

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MAHESWARA RAO KUNCHEAM, J

Date: 12.11.2026
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THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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Dt: 17.11.2026