

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND EIGHT

PRESENT
THE HON'BLE SRI JUSTICE C.V.RAMULU
WRIT PETITION No.17035 of 2007

Between:

- 1 Smt. Chethabee, W/o Shaik Madar
R/o Naimnagar, Hanmakonda, Warangal District.
- 2 Abdul Khader, S/o Shaik Ali
R/o 2-2-1/D, Naimnagar, Hanmakonda, Warangal District.

..... PETITIONERS

AND

- 1 The Superintendent of Police, Warangal District at Warangal.
- 2 The Deputy Superintendent of Police, Hanmakonda Town,
Warangal District.
- 3 The Station House Officer, Kakatiya University Police Station,
Hanmakonda, Warangal District
- 4 P. Saidaiah S/o Not Known to the petitioner, SI of Police, KUPS,
Hanamkonda, Warangal District.
- 5 The District Collector, Warangal District.
- 6 Bommati Venkateswarlu W/o B. Veera Kanakaiah
R/o H. No. 5-4-59, Kothur, Hanmakonda, Warangal District.
- 7 Bommati Srinivas, S/o Veera Swamy
R/o Kothur, Hanmakonda, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ Order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents in demolishing the dwelling houses of the petitioners constructed in Plot No. 10 & 3 Sy.No. 11 of Lashkar Singaram Village of Hanmakonda Mandal, Warangal District, as arbitrary and unauthorized, besides violative of Articles 14, 21 & 300 A of the Constitution of the India, violative of principles of natural justice and consequently declare that the respondents are liable for the damages and also for prosecution and pass such other order or orders may deem fit and proper in the circumstances of this case.

Counsel for the Petitioner: MR.Y.RAMA RAO

Counsel for Respondents 1 to 5: GP FOR HOME

Counsel for Respondents 6 & 7: MR. V. PADMANABHA RAO

The Court made the following:

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.17035 OF 2007

ORDER:

According to the petitioners, there are civil disputes between them on the one hand and the respondents 6 and 7 on the other, in respect of plot Nos.10 and 3 situated in Sy.No.11 of Laskar Singaram Village, Hanamkonda Mandal of Warangal District, and they have filed civil suits, being O.S.No.574 of 2007 and 575 of 2007 respectively, on the file of the Principal Junior Civil Judge's Court, Warangal, and obtained interim injunction in their favour. It is the grievance of the petitioners that though the injunction orders are in force and the said civil suits are pending, the respondent police have been interfering in the civil disputes and the 3rd respondent- Station House Officer, Kakatiya University Police Station, Hanamkonda, demolished the structures raised by the petitioners in the aforesaid lands, in collusion with respondents 6 and 7, and the report submitted by them to the 1st respondent- Superintendent of Police, Warangal District, on 21.07.2007, has not been acted upon.

While admitting the writ petition on 10.08.2007, this Court, by order in W.P.M.P.No.21762 of 2007, directed the 1st respondent- Superintendent of Police, Warangal District, to get an enquiry conducted on the representation dated 21.07.2007 submitted by the petitioners making certain allegations against the 3rd respondent and take appropriate action in accordance with law.

Learned Government Pleader for Home appearing for the respondents 1 to 5, on instructions, submits that, in pursuance of the aforesaid interim orders of this Court, the 1st respondent has conducted an enquiry into the matter and found that the allegations made by the petitioners are false. It is further stated that there is no injunction order in favour of the petitioners and therefore no police aid can be provided to them.

Be that as it may, in the facts and circumstances of the case, the respondents 1 to 5 are directed not to interfere in the civil disputes between the petitioners and respondents 6 and 7, without following the due process of law, pending disposal of the civil suits filed by the petitioners.

With the above direction, the writ petition is disposed of. No order as to costs.

JUSTICE C.V. RAMULU

28th November, 2008
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