

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.35381 of 2014

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Home appearing for the respondents.

The grievance of the petitioner in this writ petition is that he had obtained a decree, dated 14.08.1992, for permanent injunction in O.S.No.598 of 1986 on the file of the Court of the Principal Junior Civil Judge, Kovvur. He also stated that the said judgment has attained finality as no appeal was preferred against it. The injunction is stated to be in force since the date of decree i.e., 14.08.1992. Though the defendants and their henchmen and supporters were restrained from ever interfering with the petitioner's peaceful possession and enjoyment of the property in question by granting permanent injunction, the petitioner alleges that in October, 2013, the legal representatives of some of the defendants tried to interfere with his possession. Hence, he sent a complaint, dated 10.11.2014 to the Sub-Inspector of Police, Devarapalli Police Station. Alleging that no action is taken on the said complaint, the present writ petition is filed.

Learned Government Pleader for Home had taken instructions and says that no complaint whatsoever was received from the petitioner and he also says that if it is received from the petitioner, the Police will take appropriate action in accordance with law.

In my view, having regard to the statement made by the learned Government Pleader for Home, it would be in the interests of justice to dispose of the writ petition by permitting the petitioner to make a fresh complaint, if there is any cause of action of interference as alleged and if such a complaint is made before the second respondent as stated in the instructions, the said respondent will take appropriate action thereon in accordance with law.

Accordingly, the Writ Petition is disposed of. The miscellaneous petitions pending if any shall stand closed.

VILAS V.AFZULPURKAR, J

28th November, 2014

Note: Issue C.C. in three days.

(B/o)

GHN