

THE HON'BLE MS JUSTICE B.S.BHANUMATHI**Writ Petition No.9332 of 2023****ORDER :**

The Writ Petition is filed seeking the following prayer:

“... to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the official respondents/police instead of registering the FIR basing on the petitioner's representation dated 11.3.2023, threatening the petitioner with dire consequences in collusion with the unofficial respondents, further the police also interfering with peaceful possession and enjoyment of the petitioner over the subject property to an extent of Ac.1.06 cents in Survey No.781J, situated at Kallur village and Mandal, Kurnool and threatening the petitioner not to lay the compound wall in the subject property, as illegal, arbitrary and violation of principles of natural justice and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner over the subject property and further direct the official respondents to consider the petitioner's representation dated 11.3.2023...”

2. Heard both sides.
3. Learned Government Pleader for Home submitted that case in Crime No.75 of 2023 of III Town Kurnool Police Station registered on 11.03.2023, basing on the complaint of Smt.B.Sunitha Rani under Sections 447, 427, 506, 509 r/w 34

IPC. But the police are not interfering with the issue of the petitioner.

4. Learned counsel for the petitioner submitted that the petitioner has a permanent injunction in his favour in O.S.No.51 of 2019 on the file of the Court of IV Additional District Judge, Kurnool, however, the police are illegally interfering with the possession.

5. The grievance of the petitioner is that he is not allowed to raise compound wall around the disputed property. Whereas, the police registered the case basing on the complaint. As the police are entitled to investigate against the cognizable offences, it cannot be termed as interference. So far as the decree of permanent injunction in favour of the petitioner is concerned, the police have no authority to support any member against whom the decree exists. However, they are entitled to investigate the crime registered for the cognizable offence(s).

6. With these observations, the Writ Petition is closed.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE B.S.BHANUMATHI

Date : 18-04-2023

SAB