
(2008) 03 AP CK 0056

In the Andhra Pradesh High Court

Case No : Writ Petition No. 1871 of 2008 and W.P.M.P. No. 2354 of 2008

Darapaneni Krishna Murthy

APPELLANT

Vs

Superintendent of Police and Others

RESPONDENT

Date of Decision : 03-03-2008

Acts Referred:

Constitution of India, 1950 — Article 21

Citation : (2008) 4 ALD 105 : (2008) 4 ALT 545

Hon'ble Judges : C.V. Nagarjuna Reddy, J

Bench : Single Bench

Advocate : R. Venkata Rao, for T. Pradyumna Kumar Reddy, for the Appellant;
Government Pleader, for the Respondent

Judgement

C.V. Nagarjuna Reddy, J.—This writ petition is filed for a writ of mandamus to declare the action of respondent Nos. 2 and 3 in calling the petitioner to the police station, threatening him to vacate the premises in question and also in taking signatures on the white papers, as illegal and without jurisdiction. The petitioner also sought for a direction to the respondents not to interfere with his business when the dispute is pending in O.S. No. 510 of 2007 on the file of the III Additional Junior Civil Judge, Guntur.

2. Heard Sri R. Venkata Rao representing Sri T. Pradyumna Kumar Reddy, learned Counsel for the petitioner and the learned Government Pleader for Home.

3. In the affidavit filed in support of the writ petition, the petitioner alleged that under an oral lease between him and Kolli Padmini Devi, he has been carrying on the business of manufacturing hollow bricks and well rings in the name and style of Sri Kanka Durga Enterprises, that he has been paying the agreed rent and when she refused to receive the rent, he filed O.S. No. 510 of 2007 before the III Additional Junior Civil Judge, Guntur for permanent injunction restraining her and her men from evicting him from the plaint scheduled property except under due process of law.

4. The grievance of the petitioner is that when the suit and the I.A. filed therein were pending, respondent Nos. 2 and 3 took him to old Guntur Police Station and fixed the deadline to evict the plaint schedule property on 10.2.2007 by threatening that if he failed to do so, he will be implicated in the false criminal case.

5. Though time for filing counter-affidavit was given by this Court on many occasions, the respondents have not filed any counter-affidavit controverting the allegations contained in the affidavit.

6. At the hearing, learned Assistant Government Pleader for Home, on instructions, says that the respondents have not been interfering with the petitioner's personal liberty or the property dispute between him and the landlord.

7. In a society governed by rule of law, the State or its subordinates cannot be permitted to act in a manner, which would violate the constitutional or legal rights of its subjects. If the allegations contained in the affidavit are true, the action of the respondents is in flagrant violation of the life and liberty of the petitioner guaranteed by Article 21 of the Constitution of India. It is no part of the duty of the respondents to interfere with the civil disputes between two private parties unless the Court of competent jurisdiction directs granting of aid to comply with the orders of the Court.

8. In this view of the matter and in the light of the statement made by the learned Assistant Government Pleader that the respondents are not interfering with the personal liberty and the property dispute between the petitioner and the landlord, the writ petition is disposed of. Liberty is given to the petitioner to approach this Court, if the respondents violate their undertaking recorded by this Court supra.

9. As a sequel to disposal of the writ petition, WPMP No. 2354 of 2008 filed by the petitioner for interim relief is disposed of as infructuous.