



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPCRL/ 1569/2026</u> Pankaj Kumar --Petitioner Versus State Of Uttarakhand --Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. Tajhar Qayyum, learned counsel for the petitioner. 2. Mr. Dinesh Chauhan, learned A.G.A. along with Mr. Pramod Tiwari, learned Brief Holder for the State. 3. By means of the present writ petition filed under Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ, order or direction in the nature of mandamus commanding respondent nos. 2 and 3 to provide adequate and effective police protection to the life, personal liberty and property of the petitioner, his family members and caretaker, and to take appropriate preventive measures to ensure that no untoward incident takes place and to ensure due implementation of the interim injunction order dated 08.07.2026 passed by the learned Civil Judge (Senior Division), Ramnagar in Civil Suit No. 54 of 2026. 4. Learned counsel for the petitioner would submit that the petitioner is the absolute owner and is in peaceful and lawful possession of the property in dispute by virtue of duly registered sale deeds. It is contended that private respondent onwards, who are private



		individuals, have no semblance of right, title or interest over the property and have no authority in law to interfere with the petitioner's peaceful possession. It is further submitted that, despite the absence of any legal right, the private respondents have repeatedly attempted to interfere with and obstruct the petitioner's possession by unlawful means. Learned counsel would further submit that the petitioner had submitted written representations before the concerned police authorities seeking protection; however, no effective action has been taken by them. 5. Learned counsel for the petitioner would further submit that the private respondents have also extended threats to the petitioner's caretaker while he was present at the property in question. It is submitted that, in order to safeguard his lawful possession, the petitioner instituted Civil Suit No. 54 of 2026 before the Court of the learned Civil Judge (Senior Division), Ramnagar. The said Court, vide order dated 08.07.2026, allowed the application for temporary injunction and restrained the private respondents from interfering with the peaceful possession of the petitioner over the suit property. 6. It is further submitted that, despite having full knowledge of the said injunction order, the private respondents have continued to enter upon the suit property and have deliberately violated the order passed by the Civil Court. Consequently, the petitioner has instituted proceedings under Order XXXIX Rule 2A of the Code of Civil Procedure before the learned Civil Judge (Senior Division), Ramnagar, alleging willful and deliberate disobedience of the injunction order dated 08.07.2026. The said
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		proceedings are stated to be pending consideration before the competent Civil Court. Learned counsel, therefore, submits that in the aforesaid circumstances the respondent authorities are under a legal obligation to provide adequate protection to the petitioner and to prevent any breach of peace. 7. Per contra, learned State counsel would vehemently oppose the writ petition and submit that the dispute between the parties is essentially civil in nature and is already sub judice before the competent Civil Court. It is submitted that the petitioner has already obtained an order of temporary injunction in his favour and has also invoked the remedy available under Order XXXIX Rule 2A of the Code of Civil Procedure for alleged violation of the injunction order. It is, therefore, contended that the petitioner has an efficacious statutory remedy before the Civil Court and the present writ petition, seeking enforcement of the injunction order through police protection, is not maintainable. It is further submitted that whenever any cognizable offence or breach of peace is reported, the police authorities shall act strictly in accordance with law. 8. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that the controversy between the parties arises out of a civil dispute relating to possession of immovable property. Admittedly, the petitioner has already instituted Civil Suit No. 54 of 2026 before the competent Civil Court and has succeeded in obtaining an interim order of injunction dated 08.07.2026. It is also not in dispute that proceedings under Order XXXIX Rule 2A of the Code of Civil Procedure alleging disobedience of the said injunction order
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			are already pending before the same Court. Thus, the petitioner has already availed the statutory remedy available for enforcement of the injunction order. 9. It is well settled that where an efficacious statutory remedy is available and is already being pursued by a litigant, the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India ought not to be invoked for enforcement of an interim order passed by a Civil Court. Any alleged violation of the injunction order is required to be examined by the Civil Court in accordance with law. So far as the grievance regarding threat perception is concerned, it is always open to the petitioner to approach the competent police authorities by furnishing specific information regarding any imminent threat or commission of any cognizable offence, whereupon the authorities shall be under an obligation to act strictly in accordance with law. 10. In the facts and circumstances of the present case, this Court does not find any ground to issue the writ as prayed for. 11. Accordingly, the writ petition is dismissed. However, it is observed that dismissal of the present writ petition shall not preclude the petitioner from pursuing the proceedings pending before the competent Civil Court or from approaching the police authorities in the event of any fresh cognizable incident, whereupon the authorities concerned shall take appropriate action strictly in accordance with law. 12. No order as to costs. (Alok Mahra, J.) 07-08-2026 Mamta
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