

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION NO.37128 OF 2015

DATED 7th DECEMBER, 2015

Between:

Abhish Kumar and others .. Petitioners

and

The State of Telangana rep. by its
Principal Secretary, Home Department,
and others .. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION NO.37128 OF 2015

ORDER

The grievance of the petitioners was that the police authorities were not providing protection to them pursuant to the injunction order dated 14.12.2009 granted by the learned II Additional Senior Civil Judge, Ranga Reddy District, in

I.A.No.1892 of 2008 in O.S.No.2048 of 2008. According to them, this order had attained finality as against respondents 7 to 9 in the writ petition but despite the same, the said respondents were acting in violation thereof.

Heard Sri Unnam Muralidhar Rao, learned counsel for the petitioners, Sri K. Ramakrishna, learned counsel for respondents 7 to 11, and the learned Assistant Government Pleader for Home.

Sri K. Ramakrishna, learned counsel, does not dispute the fact that the subject injunction order is subsisting as on date and that it is not in the nature of an *ex parte* or an *ad interim* injunction. He would however point out that the interim injunction order dates back to the year 2009 and that the petitioners had earlier filed a writ petition in connection therewith which they withdrew without securing any relief. Sri Unnam Muralidhar Rao, learned counsel, would however assert that the earlier writ petition had been dismissed as withdrawn with liberty to file a fresh case and therefore, the said fact could not be held against his clients. He further states that there can be no delay on the part of his clients inasmuch as imminent threat of violation of the interim injunction order gave rise to the cause of action for the present writ petition.

A copy of the interim injunction decretal order dated 14.12.2009 passed by the learned II Additional Senior Civil Judge, Ranga Reddy District, in I.A.No.1892 of 2008 in O.S.No.2048 of 2008, is placed on record and reflects that the trial Court granted a temporary injunction in favour of the petitioners in the IA restraining the respondents therein, their agents, henchmen, or any person claiming through them, from interfering with the peaceful possession and enjoyment of the petitioners over the suit scheduled properties till disposal of the suit.

The petitioners in the IA before the trial Court were the writ petitioners while the three respondents before the trial Court are arrayed as respondents 7, 8 and 9 before this Court. It is not demonstrated before this Court that respondents 10 and 11 have any independent right or claim. They are therefore presumed to be claiming through and under respondents 7, 8 and 9. The decretal order also sets out the details of the A, B and C suit scheduled properties in relation to which the injunction was to operate.

Pertinently, when the learned Assistant Government Pleader for Home had earlier brought it to the notice of this Court that the police authorities were finding it

difficult to identify the suit scheduled properties which were covered by the above injunction order, this Court granted an interim order on 16.11.2015, which reads as under:

‘As it is stated that the interim injunction order dated 14.12.2009 passed in I.A.No.1892 of 2008 in O.S.No.2048 of 2008 by the learned II Additional Senior Civil Judge, Ranga Reddy, has become final and is in operation, there shall be a direction to the police authorities to render adequate protection to secure compliance therewith. In the event the police authorities entertain any doubt as regards the identification of the suit schedule property in O.S.No.2048 of 2008, they shall take the assistance of the revenue authorities concerned while implementing this order.’

The Inspector of Police, Shamshabad Police Station, Cyberabad Commissionerate, filed a counter-affidavit stating that a letter had been addressed to the Tahsildar, Shamshabad Mandal, Ranga Reddy District, on 26.08.2015, requesting him to furnish the land details connected to Survey No.10 – an extent Ac.3.02 guntas, situated at Sayeedguda Village, Shamshabad Mandal. Reference was also made to letter dated 16.09.2015 addressed to the Tahsildar, Shamshabad Mandal, Ranga Reddy District, to depute a suitable Surveyor for surveying the entire land and to fix up the boundaries. The counter-affidavit also reflects that Crime No.241 of 2015 was registered by the police authorities against the respondents, but they filed a quash petition in Criminal Petition No.9598 of 2015, wherein their arrest was stayed by this Court while leaving it open to the police authorities to go on with all other proceedings. In so far as the issue of police protection in the context of the interim injunction order is concerned, the Inspector of Police stated that if there was a Court order to that effect, the police would grant protection to the subject property.

Though Sri K. Ramakrishna, learned counsel, would state that his clients have filed a vacate stay petition in the context of the interim order dated 16.11.2015, this Court does not propose to venture into the merits of the dispute between the private parties.

The only grievance of the petitioners which warrants consideration in this writ petition is the alleged failure on the part of the police authorities in granting them due protection so as to secure compliance with the interim injunction order granted by the competent civil Court.

In the light of the law laid down by the Supreme Court in ***P.R.MURLIDHARAN V/s. SWAMI DHARMANANDA THEERTHA PADAR***, this Court would be entitled to exercise jurisdiction under Article 226 of the Constitution and direct the police authorities to provide due protection so as to secure compliance with the interim injunction granted by the trial Court in the present case.

In that view of the matter, the writ petition is disposed of directing the police authorities concerned to provide adequate protection so as to secure compliance with the interim injunction order dated 14.12.2009 passed by the learned II Additional Senior Civil Judge, Ranga Reddy District, in I.A.No.1892 of 2008 in O.S.No.2048 of 2008. In the event the police authorities entertain any doubt as to the identification of the A, B and C suit scheduled properties in O.S.No.2048 of 2008, they shall take the assistance of the Revenue authorities for the purpose of identification and demarcation thereof. The Revenue authorities shall duly comply with the request of the police authorities in this regard and do the needful. Costs and charges, if any, in this regard shall be borne by the petitioners.

Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

7th DECEMBER, 2015

Note: Issue C.C. in three days.

B/o Svv