

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

* * * *

WRIT PETITION No.33895 OF 2011

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Between:

Nekkanti Venkata Surendra and another

.. Petitioners

And

Superintendent of Police, Kakinada,
East Godavari District, and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 21-07-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.33895 of 2011

ORDER:

The prayer of the petitioners in this case is as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, order or direction

more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondents 1 to 3 in providing police protection to the petitioners' properties as illegal, arbitrary and unconstitutional and consequently direct respondent Nos.1 to 3 to grant police protection to the properties of the petitioners to safeguard their rights over the suit schedule properties in O.S.No.180 of 2011 i.e., land to an extent of Ac.0-73 cents in S.No.76/1 out of total extent of Ac.2-56 cents, an extent of Ac.1-93 cents in S.No.77-4 out of total extent of Ac.3-76 cents of West Kandrika Village, Kapileswarapuram Mandal, East Godavari District, in order to implement the orders in I.A.No.588 of 2011 in O.S.No.180 of 2011 on the file of Senior Civil Judge, Ramachandrapuram, East Godavari District and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

Sri G. Krishna Murthy, learned counsel for the petitioners, fairly concedes that after securing a temporary injunction in O.S.No.180 of 2011, his clients approached the learned Senior Civil Judge, Ramachandrapuram, by way of I.A.No.1120 of 2011 in I.A.No.588 of 2011 in O.S.No.180 of 2011 seeking grant of police protection to secure compliance with the temporary injunction and that the said I.A. was dismissed by order dated 17.11.2011. The said order has not even been subjected to challenge before this Court in the present writ petition and Sri G. Krishna Murthy, learned counsel, states that no civil revision petition was filed against the same.

As long as the order passed by the competent civil court stands, it is not open to the petitioners to brush it aside and seek police protection for securing compliance with an injunction order.

The writ petition therefore fails on this short ground and is accordingly dismissed. This order shall however not preclude the petitioners from taking recourse to appropriate remedies in accordance with law as regards the refusal of their request by the competent civil court for grant of police protection.

Pending miscellaneous petitions, if any, shall also stand

dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

21st July, 2015
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