

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.21276 of 2015

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“To issue a writ, order or direction more fully one in the nature of Writ of Mandamus declaring the action of the 3rd respondent herein in not providing Police aid/protection for his life and to the petitioner herein to prevent the illegal trespass of the 4th respondent herein into the house site of the petitioner to an extent of 5 cents (242 Sq. Yards) in D.No.27-48/32/4 in S.No.102/2A, situated at Block - 27, Court Road, Punganur Municipality & Mandal, Chittoor District, A.P. as illegal, void and capricious and consequently direct the 3rd respondent to grant Police aid/protection to the petitioner to proceed his construction work for his house in the aforesaid his premises in the interest of justice”.

2. Heard Sri Gade Venkateswara Rao, learned counsel for the petitioner and learned Government Pleader for Home, appearing for respondents 1 to 3, apart from perusing the material available on record.

3. Today, when the matter is called, written instructions dated 16.7.2015 furnished by the Station House Officer, Punganur Police Station, Chittoor district have been placed on record by the learned Government Pleader for Home. In the said written instructions, it is stated as under:

“It is respectfully submitted that the petitioner herein S.Venkatesulu filed one w.P.No.10207 of 2015 with regard to the same contents, and a case was registered in Cr.No.76/2015 U/sec.447, 341, 506 r/w 34 IPC has been registered on 10.4.2015 against M.Gopal Naidu/4th respondent herein and charge sheet was also filed vide C.C.No.135/2015 on the file of the Judicial I Class Magistrate Court, Punganur Police Station, Chittoor district.

It is also submitted that the 4th respondent herein filed O.S.No.39/2015 on the file of the Court of the Senior Civil Judge, Punganur or declaration of title land permanent injunction in respect of the above said land against his vendors while withdrawing the

earlier suit in O.S.No.92/2014 on the file of the Court of the Senior Civil Judge, Punganur which was filed against his vendors, along with the said suit the 4th respondent filed I.A.No.172/2015 for appointment of Advocate Commissioner another I.A.No.173/2015 for temporary injunction and the same were pending before the Hon'ble Court.

It is submitted that while the matter is pending before the Hon'ble Court against the petitioner filed the complaint on 20.6.2015 before the respondent police requesting to provide police protection to his property. But the entire matter is seized by this Hon'ble Court. Hence the respondent police cannot provide protection without any further from the competent court".

4. On noticing the same, the learned counsel for the petitioner requested this Court to dispose of the writ petition by recording the said written instructions with a liberty to avail the remedies by approaching competent Civil Court.

5. In view of the above, the writ petition is disposed of, by recording the said written instructions dated 16.7.2015 furnished by the Station House Officer, Punaganur Police Station, Chittoor district, with a liberty to the petitioner to avail the remedies that are open to him before the competent Court. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 1.9.2015
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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1.9.2015

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THE HON’BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.21276 of 2015

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Between:

S.Venkatesulu

... Petitioner

and

State of Andhra Pradesh, rep. by its
Principal Secretary, Home Department,
Secretariat, Hyderabad and others.

... Respondents

DATE OF JUDGMENT PRONOUNCED: 1st September, 2015

SUBMITTED FOR APPROVAL:

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THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

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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 |