

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.27978 of 2012

ORDER:

The grievance of the petitioners in this case was that the police authorities were colluding with respondents 4 to 6 and not protecting the petitioners' possession over the land admeasuring Acs.2.29 cents in Survey No.111/1 of Jaggarajupeta Village, Gajuwaka Mandal, Visakhapatnam District. A consequential direction was sought to the respondents to remove the fencing laid around a portion of the said land.

In the affidavit filed in support of the writ petition, an allegation is made that the official respondents in a high-handed manner laid fencing on a part of the land on 20.08.2012. However, the statement does not correlate to the later averments in the same paragraph where the deponent to the affidavit states that the petitioners have specifically complained to the police about the illegal interference with their possession by the unofficial respondents and intruders.

The Sub-Inspector of Police, Duvvada Police Station, Visakhapatnam District, filed a counter-affidavit stating that the petitioners claimed to have obtained an order of injunction in I.A.No.408 of 2012 in O.S.No.122 of 2012 on the file of the Junior Civil Judge, Gajuwaka, against the unofficial respondents. He further stated that in the event there was any violation of the said order, the remedy of the petitioners was to approach the competent Court and that police protection could not be provided when there was no specific order from the competent Court to do so.

Sri S.Ramachandra Prasad, learned counsel for the petitioners, fairly concedes that there was no direction by the civil Court to the police authorities to provide protection for securing compliance with the order of injunction.

In that view of the matter, the petitioners cannot assume as a matter of course that the police would be under a duty to provide

protection to them. In the event any act is committed by the unofficial respondents, which has the effect of not only violating the injunction order but would also constitute a criminal offence in itself, the police authorities would be bound to act. In the absence of such an overt act, it is not open to the petitioners to seek police protection to ward off the perceived threat of violation of the injunction order.

The stand of the police authorities is taken on record.

It shall be open to the petitioners to avail appropriate remedies in accordance with law in the event any grievance still persists.

The writ petition is closed subject to the above observations.

Pending Miscellaneous Petitions shall also stand closed. No order as to costs.

SANJAY KUMAR, J

Date:29.06.2015

GJ