

**THE HON'BLE SRI JUSTICE A.V. SESA SAI**

**WRIT PETITION No.27838 of 2015**

**ORDER:**

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

*“to issue writ of Mandamus to declare the action of the Respondents No.2 & 3 in not taking any action on Petitioner's representation dated 08-08-2015 as illegal, arbitrary, malafide and nonest.”*

Heard Sri Mir Masood Khan, learned counsel for the petitioner and learned Government Pleader for Home for respondents, apart from perusing the material available before this Court.

According to the petitioner, she submitted a representation, dated 08-08-2015 before the Inspector of Police, Pahadi Shareef Police Station, R.R. District, seeking police protection for implementation of orders in I.A.No.554 of 2015 in O.S.No.389 of 2015 in respect of Plot No.92 in Sy.No.114, 115 and 116 of Awais Colony, Errakunta, Saroornagar mandal, R.R. District. It is the grievance of the petitioner herein that despite the same police did not take any action.

A counter-affidavit is filed by the Inspector of Police, Pahadi Shareef Police Station, Cyberabad – 3<sup>rd</sup> respondent herein stating that the petitioner herein obtained interim injunction order on 06-08-2015 against the 4<sup>th</sup> respondent herein in I.A.No.554 of 2015 in O.S.No.389 of 2015 on the file of the II Addl. Junior Civil Judge, Ranga Reddy District and the 4<sup>th</sup> respondent also obtained interim injunction in I.A.No.508 of 2015 in O.S.No.356 of 2015 against the petitioner herein with regard to the subject property. It is also stated in the counter-affidavit that the petitioner herein instead of approaching the Civil Court by filing a petition for Police aid in I.A.No.554 of 2015 in O.S.No.389 of 2015 has approached this Court by way of present writ petition with baseless allegations.

Today, when the matter is called, learned Government Pleader has placed on record the written instructions, dated 29-09-2015 furnished by the Inspector of Police, Pahadi Shareef Police Station, Cyberabad and the said instructions read as under:

*"It is respectfully submitted that the Inspector of Police, Pahadishareef police station, Cyberbad received the petitioner's complaint through the Commissioner of Police, Cyberabad stating that she is the owner of the land in plot No. 92, under Sy.Nos. 114, 115, 116 admeasuring 200 sq.yards, situated at Awais colony, Errakunta, Saroonagar Mandal, Ranga Reddy District. When the 4<sup>th</sup> respondent herein and others tried to interfere in her said land, she filed O.S.No.389/2015 and the Hon'ble II Addl. Junior Civil Judge, Ranga Reddy District granted interim injunction order on 6.8.2015 in I.A.No.554/2015. Inspite of the injunction order the 4<sup>th</sup> respondent threatened the petitioner to withdraw the said suit and abused her in filthy language. The petitioner requested the police to provide police protection to the said land to implement the injunction order and take necessary action. Basing on the said complaint a case in Cr.No. 333/2015 U/s. 504, 506 IPC has been registered on 23.09.2015 against the 4<sup>th</sup> respondent and others on the file of Pahadishareef police station ind investigation has been taken up.*

*It is submitted that with regard to the threatening and abusing the petitioner by the 4<sup>th</sup> respondent and o lers the above FIR was registered, as the said contents are non cognizable, notice after obtaining due permission from the Hon'ble Magistrate the same was registered.*

*With regard to providing police protection to the disputed land of the petitioner herein, if she obtained police aid order in the above suit from the concerned civil court, the respondent police will provide police aid to the petitioner's land as per law.*

*Further it is submitted that the 4<sup>th</sup> respondent also filed O.S.No.356 of 2015 against the petitioner herein with regard to the above said property. The petitioner requested the respondents' police to provide police protection to the disputed land in pot No. 92, under Sy.Nos.114, 115 and 116 admeasuring 200 sq. yards, situated at Awais colony, Errakunta, Saroonagar Mandal, Ranga Reddy District.*

*It is submitted that when the property of the petitioner is under dispute, the petitioner herein instead of approaching the civil court by filing a petition for police aid, filed the present writ petition with baseless allegations."*

As evident from the above instructions, the police registered the complaint of the petitioner herein as Crime No.333 of 2015 under Sections 504 and 506 of IPC with regard to the allegation of threat and abuse against respondent No.4 herein. It is also evident from the instructions that the police will provide police aid in the event of the petitioner obtaining any orders in the suit. It is also submitted by the learned Government Pleader that it is always open for the petitioner herein to file an application before the concerned Civil Court, seeking police aid.

Since alternative remedy is available to the petitioner herein by filing an appropriate application before the Civil Court for police aid, this Court is not inclined to consider the request of the petitioner herein to direct the respondent police authorities to give police protection.

For the aforesaid reasons, the writ petition is disposed of, keeping it open for the petitioner herein to approach the Civil Court by way of application for police aid. It is needless to observe that the police will act, in accordance with law, if any order is passed in the said application.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. There shall be no order as to costs.

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**A.V. SETHA SAI, J**

September 30, 2015

*Note: Furnish C.C. in*

*three (3) days. B/o.Pn*

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