

***HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

+WRIT PETITION No.8837 of 2015

%16.04.2015

Sake Chandrayudu

..... Petitioner

And

The State of A.P, rep. by its Prl. Secretary, Revenue Department, Secretariat,
Hyderabad and others.

.....Respondents

! Counsel for the Petitioner : Sri K. Srinivas

^ Counsel for respondents 1 to 3: G.P for Revenue

^ Counsel for respondent 4 : G.P for Home

^ Counsel for the respondents 5 to 7:

Sri N. Aswartha Narayana

< Gist:

> Head Note:

? Cases referred:

2014(2) ALD 493

2 (1994) 1 Supreme Court Cases 243

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.8837 OF 2015

ORDER:

This writ petition is filed by the petitioner challenging the proceedings dated 15.02.2015, issued by the 3rd respondent-Tahsildar directing the 4th respondent-Station House Officer, to provide police protection to respondents 5 to 7 to enable

them to cultivate the lands over the extents of Ac.2.38 cents in Sy.No.25/3, Ac.2.15 cents in Sy.No.26/1 and Ac.10.60 cents in Sy.No.78, of Mothumarla Village, Dharmavaram Mandal, Anantapur District.

Admittedly, there are civil disputes pending between the petitioners and the respondents 5 to 7 and there are also claims and counter claims apart from the revenue proceedings which are pending before the various authorities. In that view of the matter, the 3rd respondent-Tahsildar has no manner of right for giving such a direction to the 4th respondent-S.H.O to give police protection to respondents 5 to 7. As a matter of fact, giving of such a direction by the 3rd respondent is deprecated by this Court in a judgment reported in **T. Mallikarjuna and others v. State of Andhra Pradesh**. The action of the 3rd respondent is totally unsustainable and illegal. In the light of the settled legal principle that the revenue authorities cannot direct the police department to give aid to one party or the other, except in exceptional cases wherein the Court directs implementation of orders of injunction.

Under the circumstances, the proceedings dated 15.02.2015, issued by the 3rd respondent-Tahsildar are liable to be set aside as his action is wholly unauthorized and illegal as per the judgment reported in **T. Mallikarjuna and others** (1 supra). In the judgment reported in **Lucknow Development Authority vs. M.K. Gupta**, the Supreme Court had directed that the party who has been put to irreparable loss and mental agony should be compensated and the compensation amount should be paid by the State at the first instance and thereafter the same should be recovered from the officers responsible for the same.

Accordingly, the writ petition is allowed with costs of Rs.2,000/- (Rupees two thousand only), payable by the State at the first instance and thereafter the same should be recovered from Sri P.V. Ramana, who was officiating as Tahsildar, Dharmavaram Mandal, Anantapur District, at the relevant point of time and made the order dated 15.02.2015.

Miscellaneous Petitions, if any pending in this writ petition shall stand closed.

CHALLA KODANDA RAM,J

Date:16.04.2015.

Gk.

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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