

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.33144 of 2012

ORDER:

The grievance of the petitioners was that the police authorities were not providing protection to them and their family members from the life threats given by respondent Nos.3 to 18.

A consequential direction was sought to the police authorities to provide such protection not only to the petitioners and their families but also their agricultural lands in Survey No.1618/A (old), 1135/A (new), of Fort Warangal Revenue Village, Warangal Mandal and District.

The petitioners claimed that they filed O.S.No.810 of 2012 before the learned I Additional Senior Civil Judge, Warangal, for a permanent injunction restraining the defendants therein from interfering with their possession over the suit schedule property, the agricultural land in Survey No.1618/A (old), 1135/A (new), of Fort Warangal Revenue Village, Warangal Mandal and District, and an ad interim injunction order was granted in their favour by the trial Court on 27.09.2012 in I.A.No.854 of 2012 in O.S.No.810 of 2012.

Significantly, all the defendants in the said suit, except one, were impleaded in this writ petition and are shown as respondent Nos.3 to 18. Sri Subba Rao Korrapati, Sri Alladi Ravinder and Sri V.Durga Nageswara Rao, learned counsel, entered appearance for some of these respondents.

Sri J.M.Naidu, learned counsel for the petitioners, contended that in the light of the ad interim injunction granted by the trial Court in favour of his clients, the police authorities were bound to provide protection to the agricultural land which is covered by the suit proceedings.

However, the learned counsel appearing for the private respondents asserted that the ad interim injunction granted in favour of the petitioners is yet to be tested as their clients filed vacate stay petitions before the trial Court which are yet to be taken up for hearing.

It is therefore clear that the rights of the parties have not been determined even at the interlocutory stage.

In **P.R.Murlidharan v. Swami Dharmananda Theertha Padar**^[1], the Supreme Court observed that a writ for police protection would apply for protection of rights declared by a decree or by an order passed by a civil Court but could not be extended to cases where rights have not been determined either finally by the civil Court or at least at the interlocutory stage in an unambiguous manner.

As in the present case, the ad interim injunction granted by the trial Court is yet to be tested and the rights have not been determined at the interlocutory stage, it is not open to the petitioners to seek police protection as a measure of securing compliance with the injunction order.

It is however a different matter altogether as to whether the police authorities are to remain immune because of this. In the event any criminal offence is committed, the police authorities are bound to take note of the same in accordance with law and proceed in the matter.

The learned Assistant Government Pleader for Home, relying on the written instructions dated 03.09.2015 received from the Station House Officer, Mills Colony Police Station, informed this Court that upon the complaint lodged by the petitioners, Crime No.43 of 2011 was registered on the file of Mills Colony Police Station under Sections 447 and 506 I.P.C. against respondent Nos.10, 11, 13 and 14 herein and after completion of the investigation, a charge sheet was also laid before the learned

I Additional Munsif Magistrate, Warangal, which was taken on file in C.C.No.153 of 2011. It is therefore clear that the police authorities are not ignoring this aspect of the matter.

The writ petition is accordingly disposed of leaving it open to the police authorities to take cognizance of criminal offences, if any, committed by the parties and take appropriate measures

thereafter in accordance with law. At this stage of the proceedings, no direction can be issued under Article 226 of the Constitution to the police authorities to provide protection to the petitioners or their lands in terms of the ad interim injunction order passed by the civil Court.

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

SANJAY KUMAR, J

Date:15.09.2015

GJ

[\[1\]](#) (2006) 4 SCC 501