

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.3933 of 2015

ORDER:

Heard.

The petitioner claims to be the owner and possessor of House bearing No.1-4 with open land admeasuring 627 sq. yards situated at Hanuman Nagar, Siddipet, Medak District. The petitioner states that the said property belonged to Sunkoji Yadav S/o.Narayana and was later succeeded by petitioner's husband Narayana and the petitioner's husband executed a registered gift deed in her favour under document No.798/13, dated 18-01-2013. In the said land, she installed Saw Mill in the name and style of Sri Balaji Saw Mill. When respondents 5 to 9 tried to interfere with her possession, the petitioner filed O.S.No.108 of 2008 before the Junior Civil Judge, Siddipet, for perpetual injunction and an ad-interim injunction was granted by the said Court on 20-02-2009 in I.A.No.270 of 2008. It is also stated that C.M.A.No.18 of 2009 filed by respondents 5 to 7 before VI Additional District Judge, Siddipet, was dismissed on 31-03-2011. The petitioner states that she also filed I.A.No.81 of 2010 seeking police aid, as the interference by respondents 5 to 9 continued. The court below, by order, dated 28-05-2010, directed the 4th respondent herein to provide police aid to the petitioner for implementing the said injunction order in I.A.No.270 of 2008 in O.S.No.108 of 2008. In spite of the said direction also, the 4th respondent has not provided police aid. The petitioner therefore made a representation before the 2nd respondent on 06-02-2014 and the same was forwarded to the 4th respondent. In spite of that, the 4th respondent has not provided police protection. Therefore, the petitioner has filed the present writ petition.

Learned Government Pleader has received instructions in the first instance, dated 27-02-2015, wherein it is stated that if the petitioner approaches the 4th respondent with relevant documents, the

4th respondent is ready to give police protection. Since the said instructions did not deal with the petitioner's request made before the 2nd respondent and forwarded to the 4th respondent, the learned Government Pleader has obtained fresh instructions on 06-03-2015, wherein it is accepted that the 2nd respondent forwarded the said representation of the petitioner to the 4th respondent. Based on which, the G.D. entry was made. However, it is stated that the petitioner's complaint is of non-cognizable in nature. It is further stated that as the dispute is of civil in nature, police have no role to play.

I find it strange that the 4th respondent has chosen to ignore the order of the civil court, in spite of making endorsement by the 2nd respondent. Inasmuch as the petitioner is not only protected by the injunction order in I.A.No.270 of 2008, but the said court passed a further order in I.A.No.81 of 2010 directing the 4th respondent herein to give police protection to the petitioner in order to implement the injunction order in I.A.No.270 of 2008, the order of the civil court is, therefore, mandatory and it is bound to be complied with by the 4th respondent and it cannot be said that the petitioner's complaint is of non-cognizable in nature and that the matter is of purely civil in nature. The dispute between the petitioner and respondents 5 to 9 may be a dispute of civil in nature, however, the aid of the 8th respondent is sought only to the extent of implementing the order of injunction and as law enforcement agency, the 4th respondent is bound to implement the orders of competent court and cannot shirk from his responsibility.

Hence, the writ petition is disposed of directing the 4th respondent to take all necessary steps as required to comply with the direction of the Principal Junior Civil Judge, Siddipet in I.A.No.81 of 2010, dated 28-05-2010, so as to implement the order of interim injunction granted by the civil court in favour of the petitioner in I.A.No.270 of 2008 in O.S.No.108 of 2008, dated 20-02-2009 and take

all effective steps, as soon as this order is communicated to the 4th respondent.

Accordingly, the writ petition is disposed of. No order as to costs.

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

VILAS V.AFZULPURKAR, J

Date: 06-03-2015

Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

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06-03-2015

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