

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.18734 of 2011

Date:23.06.2015

Between:

Komaram Pothuraju.

.... Petitioner

And

Government of Andhra Pradesh,
Rep., by its Principal Secretary,
Revenue Department,
Hyderabad and others.

... Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.18734 of 2011

ORDER:

This writ petition was filed against the Government of Andhra Pradesh, which is not *sui juris*. However, as the writ petition has been pending on the file of this Court for nearly four years, it does not warrant dismissal on this technical ground. The Office is however directed to substitute 'State of Andhra Pradesh' in the place of 'Government of Andhra Pradesh' in the description of the 1st respondent in the cause title before issuing a copy of this order.

The grievance of the petitioner is that the Revenue Divisional Officer, Jangareddygudem, West Godavari District, directed the Station House Officer, Buttayagudem Police Station, West Godavari District, to provide police aid for securing compliance with the order of temporary injunction said to have been passed in I.A.No.4 of 2011 in O.S.No.5 of 2011 on the file of the Special Assistant Agent to the Government, Jangareddygudem, West Godavari District. It is however noticed that the direction to provide police aid was not contained in the temporary injunction order itself but was separately granted by way of an administrative communication. Unless the competent Court grants police protection for securing compliance with its orders, it is not open to the authorities, be it the police authorities themselves or the revenue authorities, to interfere on the ostensible ground of securing compliance with an order of temporary injunction.

In the present case, the Revenue Divisional Officer concerned seems to have lost sight of the fact that she discharged dual functions, one in the capacity of the Agency Court and the other, as a Revenue

Divisional Officer. Ignoring the duality of her capacity, she seems to have directed the police authorities to provide aid by way of an administrative order. This is in violation of the due procedure and cannot be sustained.

The writ petition is accordingly allowed. The order dated 09.05.2011 passed by the Revenue Divisional Officer, Jangareddygudem, West Godavari District, is set aside.

Pending Miscellaneous Petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date:23.06.2015

GJ