

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.20469 OF 2012

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DATED: 26.06.2015
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Between:

Vuthoori Indira

.. Petitioner

And

The Station House Officer,
Police Station, Bheemunipatnam, Visakhapatnam District,
and others.

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.20469 of 2012

ORDER:

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The petitioner is aggrieved by the action of the police authorities in not providing her protection in respect of her possession and enjoyment of certain property situated in Kummaripalem Valanda Bhoomulu Village, Bheemunipatnam Mandal, Visakhapatnam District. It is her case that the said property is protected by the injunction decree granted in her favour by the learned II Additional Senior Civil Judge, Visakhapatnam, in O.S.No.793 of 2007 and the temporary injunction order granted by the learned VI Additional Senior Civil Judge, Visakhapatnam, in O.S.No.1293 of 2011. Respondents 3 to 5 herein are said to be the defendants in the afore-stated civil suits.

Sri K. Jyothi Prasad, learned counsel for the petitioner, would contend that the respondents committed violation of the said injunction decree and order passed by the competent court and in spite of the representation dated 05.11.2011, the police authorities remained inactive.

The Sub-Inspector of Police, Bheemunipatnam Police Station,

Visakhapatnam, filed a counter-affidavit stating that the representation dated 05.11.2011 was received by the Bheemunipatnam Police Station but, as the dispute appeared to be a civil one, an entry was made in the general diary and the complainant was advised to approach a competent court of law for settlement of the issue. The Sub-Inspector further stated that unless there was a specific direction by the competent court, the police authorities could not provide protection so as to secure compliance with the orders and decrees passed by the courts.

It is no doubt true that the police authorities would not be under a duty to provide police aid and protection to secure compliance with the court orders unless there is a specific direction to do so by the competent court. However, in the event any transgression of such order or decree constitutes an independent criminal offence, the police authorities cannot ignore the same by claiming that it would fall within the ambit of a civil dispute. Once the order or decree of injunction is in operation, the violation of the same may have criminal consequences, which could warrant intervention by the police authorities.

Making the afore-stated position clear, the writ petition is disposed of leaving it open to the petitioner to avail appropriate remedies in accordance with law in the event her grievance still subsists.

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

JUSTICE SANJAY KUMAR

26th June, 2015
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