

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION No.365 of 2015

Dated : 06.04.2015

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Between:

B. Bala Devi W/o.B. Bala Bojjanna, Hindu,
Aged 30 yrs, Occu : Cultivation, R/o.Vaddupalli Village,
Athmakur Mandal, Anantapuram District

.. Petitioner

And

M. Pravalika W/o.Adinarayana, Hindu,
Aged 26 yrs, R/o.Vaddupalli Village,
Athmakuru Mandal,
Anantapuram District

.. Respondent

This Court made the following :

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ORDER :

The petitioner herein filed I.A.No.572 of 2014 who is the plaintiff in O.S.No.190 of 2014 on the file of Principal Junior Civil Judge, Ananthapuram. In I.A.No.572 of 2014, the trial court granted injunction in favour of the petitioner. Alleging that inspite of the injunction order granted in favour of the petitioner/plaintiff, the respondent is trying to interfere with peaceful possession and enjoyment and is trying to obstruct from doing preliminary operations by the petitioner on the subject land to raise groundnut crop, filed I.A.No.1115 of 2014 seeking police aid.

2. Having considered the matter, the court below found that no case is made out to grant police aid. The court below recorded that no material is placed before the court either in the form of photographs or in the form of affidavit of 3rd party/nearby land owners showing that the respondent is trying to dispossess the

petitioner.

3. Learned counsel for the petitioner submits that the court below erred in not granting the relief sought by the petitioner. The respondent is a powerful person and is trying to obstruct the petitioner from raising groundnut crop and trying to interfere with the peaceful possession and enjoyment of the property. When such issue is brought to the notice of the court, it is the obligation of the court to grant such protection and court is under duty to issue suitable orders to the police officials. In support of his contention, learned counsel placed reliance on the decision of this Court in ***Gampala Anthaiah and others Vs Kasarla Venkat Reddy and others***. The court below relied on the decision of this Court in ***Mettu Malyadri Vs Mettu Sivaiah***.

3. In Gampala Anthaiah's case (supra) after considering the decision of the Madras High Court in

N. Karpagam and others Vs P. Deivanaiammal and others, it was observed that the Court is under obligation to accord police protection when sought, if the defendant has committed breach of the orders passed by the Court. This Court observed that unless such protection is granted, the rule of law would not prevail and the judicial order would not be effectively implemented.

4. In Mettu Malyadri's case (2nd supra) this Court held that unless rights are established in civil matters, and crystallized, the police should not be called in to aid the petitioner.

5. In this case, the petitioner filed the I.A., seeking police protection contending that the respondent is trying to obstruct from doing preliminary operations for raising groundnut crop. The said objection was filed on 19.06.2014. Heavy reliance is placed by the learned counsel for petitioner on the report of the Tahsildar, Atmakur dated 23.11.2014 in support of his contention that the petitioner is in possession but not the respondent. However, on a close scrutiny of the said report it is seen that there are two different versions on the issue of cultivation. As per the report of the Village Revenue Officer, the petitioner was cultivating the subject land by raising jowar crop. This report of November, 2014 is not placed before the court below. However, even according to the said report there was already jowar crop raised, the claim of the petitioner that he is prevented from growing groundnut crop appears to be not valid. If the jowar crop was already raised

and when there is no allegation that the petitioner is prevented from harvesting the said crop, the very basis of the claim gets defeated. There is no material on record to show the present status of the land.

7. Thus, as per the material on record, I do not see any error in the decision arrived at by the Court below warranting interference by this Court.

8. The Civil Revision Petition is dismissed. However, it is made clear that if the petitioner apprehends any interference in future with the enjoyment of the property, it is always open to the petitioner to seek appropriate redress from the trial court. There shall be no order as to costs.

9. Miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand closed.

_____ **P.NAVEEN RAO,J**

6th April, 2015

Rds

THE HON’BLE SRI JUSTICE P.NAVEEN RAO

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