

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

WRIT PETITION NO.11872 OF 2012

Between:

Gonela Mallikamba

.. Petitioner

and

The State of Andhra Pradesh rep.by its
Principal Secretary, Home Department and
others

.. Respondents

DATE OF JUDGMENT PRONOUNCEMENT : 14th AUGUST, 2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE SANJAY KUMAR

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| 1. Whether Reporters of Local newspapers may be allowed to see the judgment? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to see the fair copy of the judgment? | Yes/No |

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION NO.11872 OF 2012

ORDER

The petitioner assails the inaction of the police authorities in providing police aid for securing compliance with the perpetual injunction decree dated 03.01.2006 passed by the learned Principal Junior Civil Judge, Kothagudem, in O.S.No.284 of 2001, which was confirmed in appeal by the learned Principal Senior Civil Judge, Kothagudem, vide judgment dated 28.11.2008 passed in A.S.No.30 of 2006. The complaint of the petitioner is that respondents 5 to 8 continued to interfere with the suit land contrary to the judgment and decree passed by the competent civil Court, which was confirmed in appeal.

Though, ordinarily, violation of a decree of permanent injunction would be executable under Order 21 Rule 32 CPC, the Supreme Court in ***P.R.MURLIDHARAN V/s. SWAMI DHARMANANDA THEERTHA PADAR*** opined that a writ for 'police protection' could be issued when the Court is approached for protection of rights declared by a decree or by an order passed by the civil Court. The Supreme Court added the caveat that unless the rights have been determined either finally or at least at the interlocutory stage in an unambiguous manner by the Civil Court, police protection should not be afforded.

In the present case, admittedly, the permanent injunction decree granted by the trial Court was confirmed in appeal and the same is continuing to operate. In that view of the matter, the unofficial respondents herein are bound to abide by the same. They have no warrant in law to act in violation of the said decree as long as it subsists. Therefore, in the light of the law laid down by the Supreme Court in ***P.R.MURLIDHARAN¹***, the petitioner would be entitled to police aid for securing compliance with the said permanent injunction decree. It shall accordingly be open to the petitioner to approach the Station House Officer, Aswapuram Police Station, Khammam District, the fourth respondent, for necessary police aid in the event there is any attempt on the part of respondents 5 to 8 to act in violation of the permanent injunction decree. The fourth respondent shall thereupon provide adequate police protection so as to secure compliance with the said injunction decree.

The writ petition is disposed of with the above directions. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

14th AUGUST, 2015

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