

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.301 of 2015

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ORDER:

Heard.

The grievance of the petitioner in this writ petition is that in spite of interim injunction having been granted in his favour by the Special Assistant Agent and Sub-Divisional Magistrate, Mobile Court, Bhadrachalam, in I.A.No.28 of 2010 in O.S.No.45 of 2010, dated 30-06-2011, respondents 5 and 6 tried to interfere with his peaceful possession and enjoyment of the land admeasuring Ac.3-27 cents in Sy.No.43/1P situated at Chinamidisileru Village, Khammam District, and therefore, the petitioner made a representation before respondents 3 and 4 on 13-12-2014 bringing to their notice about illegal interference of respondents 5 and 6, in spite of the injunction order granted in his favour, and requested to take necessary action against the persons named in the complaint, who have allegedly violated the said injunction order. However, alleging inaction on the part of respondents 3 and 4, the present writ petition is filed.

The instructions of the learned Government Pleader, however, show that on receipt of a complaint from the petitioner, G.D. entry was made and the 4th respondent addressed a letter to the 3rd respondent requesting to inform whether the land in question belongs to the petitioner or respondents 5 and 6. It is stated that the 3rd respondent addressed a letter, dated 10-12-2012 to the 4th respondent informing that the land in question belongs to the Government and neither the petitioner nor respondents 5 and 6 have any right over the land in question. In view of that, the 4th respondent states that he has not taken any further action.

It is, however, noted that the competent civil court has granted injunction in favour of the petitioner and it is the duty of the 4th

respondent to ensure that the said injunction order is not violated on ground and to ensure its compliance. Whether the injunction granted in favour of the petitioner is justified or not is not a matter before the 4th respondent to appreciate and it is for unofficial respondent concerned to move competent civil court either for vacation or modification of the said order. Hence, as long as the said order is in force, it is the duty of the 4th respondent to implement it on ground and the 4th respondent shall implement the order of the civil court accordingly.

With the above direction, the writ petition is disposed of. No order as to costs.

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

VILAS V.AFZULPURKAR, J

Date: 02-02-2015

Prv

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