

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.23769 of 2016

ORDER:

Heard counsel for the petitioners and the Government Pleader for Home appearing for respondents 1 to 3.

2. Petitioners contend that they are the owners of Ac.0-65 cents of land in survey No.176/2 of Pedda Thippa Samudram (post and Mandal), Chittoor District and they had obtained the said land as per decrees in the partition suits O.S.Nos.20 of 1968 and 25 of 1968 on the file of the Principal District Munsif of Madanapalle.

3. Petitioners contend that the 4th respondent had filed O.S.No.51 of 2012 before the Junior Civil Judge, Thamballapalli, Chittoor District against some third parties and obtained an order of injunction against the third parties, and later in I.A.No.149 of 2013 an order of police aid was also granted to the 4th respondent on 13.06.2016, and under the guise of the said police aid order, the 4th respondent is preventing the petitioners from enjoying the land owned by the petitioners in survey No.176/2.

4. The Government Pleader for Home appearing for respondents 1 to 3 states that the police are obliged to comply with the order passed on 13.06.2016 in I.A.No.149 of 2013 in I.A.No.168 of 2012 in O.S.No.51 of 2012, otherwise they would be hauled up for contempt of Court.

5. Counsel for the petitioners contend that the 4th respondent had no right, title or interest in the land claimed by the petitioners and the order of injunction obtained by him against third parties in I.A.No.168 of 2012 in O.S.No.51 of 2012 does not bind the

petitioners.

6. From the facts narrated above, it is clear that the petitioners were prevented from entering into the lands claimed by the 4th respondent on the ground of the temporary injunction order and police aid order granted in favour of 4th respondent.

7. Since it is not possible for this Court to decide whether the petitioners or the 4th respondent have right, title or interest in the subject property, I deem it appropriate to direct the petitioners to file an application in I.A.No.149 of 2013/I.A.No.168 of 2012 and in O.S.No.51 of 2012 for their impleadment therein pleading that the land claimed by the 4th respondent does not include the land of the petitioners, that the orders passed in I.A.No.168 of 2012 and in I.A.No.149 of 2013 do not bind the petitioners and the same cannot be used to prevent the petitioners from entering into their lands. If such an application is filed, the Junior Civil Judge, Thamballapalli, shall entertain the same, implead the petitioners and then decide, whether the petitioners also are to be bound by the said orders or not, within a period of four (04) weeks from the date of its filing.

8. The Writ Petition is accordingly disposed of. There shall be no order as to costs.

9. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

21st July, 2016

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