

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.15998 OF 2015

ORDER

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue writ or direction preferably writ of mandamus declaring the inaction of respondent No.3 in providing protection despite complaint dt.20-5-2015 and also letter addressed by respondent No.4 vide Rc.No.B/26/2015 dt.12-3-2015 in respect of land total admeasuring Ac.0-20 gts. In Sy.No.1243 and 1244 situated at Aswaraopet (V&M) of Khammam District, as illegal, arbitrary, and violative of principles of natural justice and consequently direct the respondents to provide police protection to the petitioner and pass such other or further orders as this Hon'ble court deems fit and proper in the circumstances of the case.”

Counters were filed by the Tahsildar, Aswaraopet, and the Sub-Inspector of Police, Aswaraopet Police Station.

When asked as to how the petitioner can seek police protection without having any order from the competent civil court, Sri Kowturu Vinaya Kumar, learned counsel for the petitioner, fairly conceded this settled legal position and admitted that the petitioner is not supported by any court order. He further stated that the suit filed by some third party in relation to the subject land, being O.S.No.18 of 2015 on the file of the Principal Junior Civil Judge, Sathupally, has also been dismissed. Learned counsel states that in the event the petitioner faces any threat or there is any apprehension of commission of a cognizable offence against her or her property, she may be given liberty to approach the police authorities and the police authorities may be directed to take appropriate action in the matter.

Needless to state, Section 149 Cr.P.C. requires the police authorities to take suitable preventive measures in the event any

cognizable offence is about to be committed and they are intimidated of the same.

Reserving liberty to the petitioner to invoke this power of the police authorities, the writ petition is closed. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

SANJAY KUMAR, J

20th JANUARY, 2016

PGS