

**HONOURABLE SRI JUSTICE RAJA ELANGO**

**WRIT PETITION No.33765 of 2016**

**ORDER:**

This writ petition is filed for a writ of *mandamus* declaring the action of the 3<sup>rd</sup> respondent in not taking any action on the complaints, dated 29.08.2016 and 17.09.2016, and not providing police protection to implement the injunction order made in I.A.No.353 of 2016 in O.S.No.318 of 2016, on the file of the Sub-Divisional Magistrate & Special Assistant Agent to Government, Mobile Court, Bhadrachalam, Khammam District, as illegal and arbitrary.

2. Heard and perused the material available on record.

3. It is the case of the petitioner that he is the absolute owner of the land in Survey No.331, admeasuring to an extent of Ac. 5.00 guntas, situated at Mulakanuru Revenue Village, Garla Mandal, Khammam District, which is an ancestral property. When respondents 4 to 11 approached the petitioner with an evil desire and threatened him to alienate the said property or to lease out to them, the petitioner showed unwillingness to their proposal. Developing grudge on the petitioner, respondents 4 to 11 tried to interfere in his peaceful possession every day and thereby caused severe hardship. The petitioner filed an injunction suit restraining respondents 4 to 11 and their henchmen from not interfering with the peaceful possession and enjoyment over the suit schedule property vide O.S.No.318 of 2016, on the file of the Sub-Divisional Magistrate & Special Assistant Agent to Government, Mobile Court, Bhadrachalam, Khammam District. The learned Magistrate granted injunction order vide I.A.No.353 of 2016, dated

10.08.2016, and the injunction order is still subsisting and in force. While so, respondents 4 to 11 illegally entered into the suit schedule property along with their henchmen and tried to create hurdles from cultivating the land, in spite of there being an injunction order by the competent civil Court. Immediately, the petitioner went to Garla Police Station and made representations/complaints on 29.08.2016 and 17.09.2016 against respondents 4 to 11 and sought for police protection to implement the injunction order, but so far no action is taken by the 3<sup>rd</sup> respondent.

4. Considering the facts and circumstances of the case, this Court is of the view that when there is an order of injunction by the competent civil Court, if the petitioner wants to execute the same, then he should approach the concerned competent civil Court. Since the petitioner has approached this Court, this Court is of the view that the writ petition may be disposed of with the following direction:

The Station House Officer, Garla Police Station, Khammam District (3<sup>rd</sup> respondent) is directed to consider representations/complaints, dated 29.08.2016 and 17.09.2016, filed by the petitioner and pass appropriate orders, in accordance with law.

5. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

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**RAJA ELANGO, J**

Date: 17<sup>th</sup> October, 2016

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