

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36842 OF 2016

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the respondents 3 and 4 in not providing additional police force to the fifth respondent, who has to provide police protection to the bailiff of the Court in the light of the orders, dated 29.09.2016 passed in E.A.No.876 of 2016 in E.P.No.138 of 2013 in O.S.No.291 of 2007 on the file of the I Senior Civil Judge, City Civil Court at Hyderabad, despite there is a specific direction from the said Executing Court, as arbitrary, discriminatory and illegal and dereliction of duty and consequently to direct the respondents 3 and 4 to provide additional police force to the fifth respondent to enable him to provide police protection to the bailiff.

Heard and perused the material.

Learned counsel for the petitioner submits that the petitioner and others have got an order of restitution of possession in respect of house property and in pursuance of the same, they have filed E.P., and that the Executing Court allowed the said petition by issuing warrant of delivery of possession to the Judgment Debtors. However, they have not handed over the possession of the said premises and as such, they have filed E.A., in E.P., wherein they got the order of break open locks and also obtained police protection to the bailiff for execution of the warrant. The fifth respondent is not providing police protection to the bailiff and as such, he seeks a direction to the respondents to provide police protection to the bailiff to execute the warrant.

Considering the facts and circumstances of the case, the petitioner is directed to give a representation to the fifth respondent seeking police protection along with the copy of the Order granting police protection and on such application being filed, the fifth respondent is directed to give police protection for executing the warrant in accordance with law.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

31.10.2016
pln

