

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.14254 of 2011

ORDER:

This Writ Petition is filed by the petitioner, under Article 226 of the Constitution of India, for the following relief:

“To declare the inaction of the respondents 1 and 2 in taking necessary action on representations dated 24.04.2011 and 02.05.2011 against the 3^d respondent in giving protection/ police aid and on the other hand attempting to dispossess the petitioners from their property in an extent of Ac.0-16 cents in Survey No.45/9 totaling 30 cents of Chapalauppada Village of Bheemunipatnam Mandal of Visakhapatnam Dist at 11.30 a.m on 14.05.2011 inspite of subsisting interim injunction order in their favor in I.A.598 / 2007 in O.S 197/ 2007 granted by the Junior Civil Judge, Beemunipatnam confirmed by the II Addl. Dist. Judge Visakhapatnam in C.M.A. 55/ 2008 and threatening to do so at any time as illegal and arbitrary, and consequently, direct the respondents 1 & 2 to consider the representations and grant necessary police assistance for protecting their property rights as per the injunction order referred to above and also direct all the respondents not to interfere with their possession of the above mentioned property.”

The main grievance of the petitioners is that respondent Nos.1 and 2 are not providing protection/ police aid to them in respect of the subject land even though they obtained an interim order of injunction from the competent civil Court in a suit.

Heard and perused the material available on record.

On 08.06.2011 while admitting the writ petition, this Court passed an interim order in WPMP No.17201 of 2011 directing respondent Nos.1 and 2 to extend necessary police protection to the petitioners for implementation of the injunction granted in I.A. No.598 of 2007 in O.S No.197 of 2007 on the file of the Junior Civil Judge, Bhimunipatnam which stood confirmed in C.M.A. No.55 of 2008 on the file of II Additional District Judge, Visakhapatnam. Learned counsel for the petitioners

submitted that the suit is still pending and the injunction order is also in existence.

Considering the facts and circumstances of the case, the interim order passed by this Court on 08.06.2011 in W.P.M.P.No.17201 of 2011 is made absolute and respondent Nos.1 and 2 are directed to provide police protection to the petitioners as far as the interim order of injunction exists in their favour.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

August 04, 2017
KTL



RAJA ELANGO, J