

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT APPEAL No.590 OF 2017

JUDGMENT: (Per Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This Appeal, under clause 15 of Letters Patent, is preferred against the order passed by the learned Single Judge in Writ Petition No.45408 of 2016 dated 11.04.2017.

The 3rd respondent herein filed the writ petition seeking to declare the action of the Station House Officer, Medipally, Cyberabad, in not providing police protection in respect of Flat No.105, situated in the ground floor of Anuradha Residency, Block No.C, Plot No.7 (Northern-part and Southern-part), Plot Nos.8, 9 and 10 in Survey No.117, situated at Medipally, despite the decree of injunction passed by the Civil Court, as being arbitrary and illegal.

The II Additional Junior Civil Judge, Ranga Reddy District, by judgment dated 19.08.2016 in O.S. No.344 of 2015, granted permanent injunction and restrained the appellant and his agents from interfering with the possession and enjoyment of the 3rd respondent-plaintiff over the suit schedule property. Aggrieved thereby, the appellant herein filed A.S. No.339 of 2016 before the XIV Additional District Judge, Ranga Reddy District.

Sri T. Rajinikanth Reddy, learned counsel for the appellant, would fairly state that, though an appeal has been preferred, the

appellate court has not granted any stay of the judgment and decree of the Junior Civil Judge granting the relief of permanent injunction to the 3rd respondent.

As long as the order passed in the suit, granting the 3rd respondent permanent injunction over the subject property, is in force, the direction issued by the learned Single Judge, granting the 3rd respondent liberty to submit a written representation or a telephone communication to approach the police, as and when there is actual threat and in directing the 2nd respondent to provide police protection on the petitioner approaching them, does not necessitate interference in an intra-Court appeal under Clause 15 of the Letters Patent.

Suffice it make it clear that the order under appeal shall continue to remain in force, till the order of the Junior Civil Judge in O.S. No.344 of 2015 dated 19.08.2016 remains in force, and is not suspended or set aside by the appellate court.

Subject to the aforesaid observations, the Writ Appeal fails and is, accordingly, dismissed. As a sequel, pending miscellaneous petitions, if any, shall stand dismissed. No order as to costs.

RAMESH RANGANATHAN, ACJ

Dr. SHAMEEM AKTHER, J

Date: 27-04-2017.

SIVA/DSH

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

127



28042017

WRIT APPEAL No.590 OF 2017

(Judgment of the Division Bench delivered by
Hon'ble the Acting Chief Justice Ramesh Ranganathan)

Date.27-04-2017

SIVA/DSH