

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

WRIT APPEAL NO.1476 OF 2016

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

Heard Sri Ashok Reddy Kanathala, learned counsel for the appellants, Sri G.Tharun Reddy, learned counsel for respondents 1 to 3-writ petitioners, and the learned Government Pleader for Home and, with their consent, the Writ Appeal is disposed of at the stage of admission.

This appeal, under Clause 15 of the Letters Patent Act, is preferred against the orders passed by the learned Single Judge in WP.No.42771 of 2016 dated 08.12.2016. The respondents 1 to 3-writ petitioners invoked the jurisdiction of this Court, under Article 226 of the Constitution of India, seeking a writ of mandamus declaring the action of the respondents-police officials in not granting police protection even after having a judgment and decree in O.S.No.1056 of 2008 in favour of the writ petitioners. By the order under appeal, the learned Single Judge directed the petitioners to submit a representation to the sixth respondent informing them regarding pendency of the civil suits, the orders obtained by the petitioners in their favour, and the necessity of police protection to the petitioners; and, on such representation, the sixth respondent was directed to take appropriate action in accordance with law, and proceed with the matter.

While Sri Ashok Reddy Kanathala, learned counsel for the appellants, would contend that the Writ Petition was disposed of at the stage of admission without even affording the appellants

(respondents in the Writ Petition) an opportunity of being heard, Sri G.Tharun Reddy, learned counsel for the respondents 1 to 3-writ petitioners, would submit that no positive direction has been issued by the learned Single Judge which the appellants can claim to be aggrieved of.

The order of the learned Single Judge does not confer any discretion on the police officials to refuse to grant police aid as, on a direction being issued by the Court, the police officials are bound to comply with the order. An order, directing police aid to be given for implementation of a decree of a Civil Court, could have been passed by this Court only after affording the judgment-debtors an opportunity of being heard before such an order is passed.

On the short ground of violation of principles of natural justice, the order under appeal is set aside. The Writ Petition is restored to file. The appellants herein shall file their counter affidavits in the Writ Petition within two (2) weeks from today. It is open to the respondents-writ petitioners to request the learned Single Judge to take up the Writ Petition for admission immediately after two weeks.

The Writ Appeal stands disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(RAMESH RANGANATHAN, ACJ)

(A.SHANKAR NARAYANA, J)

2nd January 2017
RRB