

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 9897 of 2017

ORDER:

Petitioner claims to be the owner and possessor of agricultural land admeasuring Ac.0.07 guntas out of Acs.0.12 guntas in Survey No.255/AA, situated at Vengannapalem Village, Julurupadu Mandal, Bhadrachalam District, which is an agency area. Her only son is suffering from paralysis. She has also got some other agricultural land situated on southern side of the above said land in Survey No.255/AA. The land in question was being used for the purpose of way to her agricultural land. While so, respondent No.6 without any right, having an eye on the land in question, was forcing her to sell the same. In the circumstances, the petitioner filed O.S.No.263 of 2016 in the Court of the Sub-Divisional Magistrate & Special Assistant Agent to Government, Mobile Court, Bhadrachalam, against respondent No.6 for perpetual injunction and the trial Court granted an injunction order on 19.07.2016 in I.A.No.297 of 2016 not to interfere with the agricultural land admeasuring Ac.0.07 guntas in Survey No.255/AA. She lodged a complaint before respondent No.5-Station House Officer, Julurupadu Police Station for implementation of the said order and when no action was taken, the present writ petition is filed.

She relies on an order passed by this Court in W.P.No.23166 of 2016 filed by another senior citizen.

From the above averments, it is clear that there is some other land to the petitioner which is situated on the southern side of the land admeasuring Ac.0.07 guntas in Survey No.255/AA, which is used for ingress and egress to the said land. A reading of the complaint shows that she sold an extent of Ac.0.05 guntas of land to one D.Madhusudhan Rao and left some land in the land admeasuring Acs.0.07 guntas in Survey No.255/AA for ingress and egress. But the said Madhusudhan Rao appears to have put a fence obstructing the pathway. In those circumstances, she sought intervention of the Police.

It is not clear from the complaint whether the obstruction was in the land belonging to the petitioner or in the land sold to Madhusudhan Rao. If any direction is given to the Police, it would amount to giving licence to the Police to interfere in civil dispute. The injunction obtained by the petitioner is in relation to the land admeasuring Ac.0.07 guntas in Survey No.255/AA. Since the matter is seized by the trial Court, the trial Court would be in a better position to appreciate the alleged interference and the petitioner is not without any remedy and it is for her to bring to the notice of the trial Court in case the injunction order is violated. In the circumstances, the relief sought for by the petitioner cannot be entertained.

The writ petition is accordingly dismissed at the stage of admission. However, it is open to the petitioner to take appropriate civil proceedings in accordance with law, if she is aggrieved.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO,J

Dt:21.03.2017

Note: Issue cc in three days.

(B/o)

kdl

