

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.27003 of 2015

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking to declare the inaction of respondent Nos.2 and 3 in providing police protection in respect of lands admeasuring Acs.4.20 gts., Acs.5.04 gts., Acs.3.00 gts., Acs.3.09 gts., and Acs.4.00 gts. in survey No.400/33 situated at Jaggaram H/o.Ashwapuram Village and Mandal, Khammam District, *in spite* of the orders dated 21.01.2014 passed in I.A.No.14/2014 in I.A.No.106/2013 in O.S.No.157/2013 on the file of the Special Assistant Agent and Sub-Divisional Magistrate (Mobile Court) and Sub-Collector, Bhadrachalam, followed by repeated visits and written representations dated 30.07.2015 and 05.08.2015, as illegal and arbitrary.

The facts in issue are as under:

Initially, the petitioners herein filed O.S.No.173 of 1989 on the file of the Sub-ordinate Judge, Khammam, for declaration and partition, which was decreed. Thereafter, petitioners filed E.P.No.145/1989 for delivery of possession of the lands in their favour. The action of the revenue officials in not entering the names of the petitioners in revenue records, led to filing of W.P.No.6533 of 2012 by the petitioners wherein this Court while disposing of the writ petition directed the then Tahasildar, Ashwapuram, to conduct panchanama to handover possession of the lands to the petitioners. Pursuant thereto, panchanama was conducted on 12.06.2012 and possession was handed over to the petitioners. However, pattadar passbooks were not issued. While things stood thus, the

4th respondent herein and his family members caused interference with their possession over the subject lands. As such, petitioners herein filed O.S.No.157/2013 for perpetual injunction wherein the trial Court granted temporary injunction in favour of the petitioners vide orders in I.A.No.106/2013. It is the case of the petitioners that inspite of injunction order, the 4th respondent and his family members continued to interfere with their possession. As such, they filed I.A.No.14/2014 for grant of police protection. The learned Magistrate vide order dated 21.01.2014 directed the 3rd respondent herein to provide police protection to the petitioners in respect of subject lands. Alleging inaction on the part of the Police officials in providing police protection pursuant to the orders of the Court below in I.A.No.14/2014, present Writ Petition came to be filed.

On 01.09.2015, while admitting the Writ Petition, this Court granted interim direction, as prayed for, i.e. a direction to provide police protection to the petitioners in respect of subject lands in compliance with the orders dated 21.01.2014 passed in I.A.No.14/2014 in I.A.No.106/2013 in O.S.No.157/2013. A counter came to be filed by R-4 along with WVMP No.4826 of 2016 seeking to vacate the said interim order.

At the time of arguments, both the counsel submit that in view of the interim order passed by this Court on 01.09.2015, Police protection has been given and no further adjudication is necessary in this writ petition.

Having regard to said submission of both the counsel, the Writ Petition is disposed of directing the official respondents herein to

comply with the order passed in I.A.No.14/2014 in I.A.No.106/2013 in O.S.No.157/2013 on the file of the Special Assistant Agent and Sub-Divisional Magistrate (Mobile Court) and Sub-Collector, Bhadrachalam, till the said order is set aside. It is needless to mention that if the said order is challenged by the unofficial respondent herein, the same shall be considered in accordance with law uninfluenced by the observations made in the present order.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed. No costs.

15.03.2017
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JUSTICE C. PRAVEEN KUMAR