

**HON'BLE DR. JUSTICE B. SIVA SANKARA RAO**

**WRIT PETITION No.923 of 2017**

**ORDER:**

Heard learned counsel for the petitioner and learned Government Pleader for Home for respondent Nos.1 to 3 and perused the prayer in the writ petition with the supporting affidavit and the counter affidavit of respondent No.3 on behalf of respondent Nos.1 to 3. Respondent No.4 served failed to attend.

It is the supporting affidavit averment that in O.S.No.41 of 2012, the learned Principal Junior Civil Judge, Nizamabad, granted perpetual injunction by decree dated 17.09.2013 and despite restraining defendants and their men from interfering with their possession and despite the petitioner/plaintiff, decree holder therein approached the police to provide police protection, the 3<sup>rd</sup> respondent is not responding.

The submission of the learned Government Pleader is that on verification of the decree that was obtained only against 2 defendants by name BN Sailu and B Sudha, whereas some third parties are in possession and thereby, the 3<sup>rd</sup> respondent could not consider unless there is Court order to provide necessary police assistance if any.

In fact, there is a remedy under Order 21 Rule 32 CPC for execution of the permanent injunction which runs with the land including if at all the persons in possession are inducted by the original defendant subsequently in violation of the permanent injunction decree. Once such is the case and because of the fact that some third parties stated in possession, leave about truth or otherwise, by this writ petition cannot be ordered to provide police

assistance against persons not parties to the decree, but for left open the remedy of the plaintiff/decreed holder/writ petitioner to execute the decree under Order 21 Rule 32 for violation of the permanent injunction decree if necessary to obtain any order therein for necessary police aid.

Accordingly and in the result, the Writ Petition is disposed of.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

---

**JUSTICE Dr. B.SIVA SANKARA RAO**

Date: 20.04.2018  
ska

