

***THE HON'BLE SRI JUSTICE P. NAVEEN RAO***

**WRIT PETITION No.30059 OF 2017**

Dated:08.03.2018

Between:

Rokkam Sai Reddy, S/o. Late Rami Reddy,  
Aged about 68 years, Occ: Agriculture,  
R/o. Gandicheruvu Village, Abdullapur  
Met Mandal, Ranga Reddy District

.. Petitioner

And

The State of Telangana, rep., by its  
Principal Secretary, Department of  
Home, Secretariat Buildings,  
Hyderabad and others

.. Respondents



**The Court made the following:**

**THE HON'BLE SRI JUSTICE P. NAVEEN RAO**

**WRIT PETITION No.30059 OF 2017**

**ORDER:**

Heard learned counsel for the petitioner, learned Government Pleader for Home (TG) appearing for respondents 1 to 4 and Sri K. Ramesh, learned counsel appearing for respondents 5 and 6.

2. This Writ Petition is filed to declare the action of respondents 3 and 4 in not complying with the directions issued by the competent civil Court in I.A.No.827 of 2015 in O.S.No.1370 of 2014 in respect of land admeasuring Acs.5.00 in Survey No.195/A of Gandicheruvu Village, Hayathnagar Mandal, Ranga Reddy District, as illegal and arbitrary.

3. O.S.No.1370 of 2014 is pending in the Court of I Additional Senior Civil Judge at L.B.Nagar, Ranga Reddy District. In the said suit, the petitioner herein filed I.A.No.812 of 2014. Holding that balance of convenience is in favor of petitioner, learned Senior Civil Judge granted *ad interim* injunction in favor of petitioner and against respondents. The petitioner/plaintiff also filed I.A.No.887 of 2015 in I.A.No.812 of 2014 seeking to grant police protection. The said petition was allowed, and direction was issued to the Station House Officer, Hayatnagar Police Station, to provide necessary police aid to the petitioner in implementing the interim injunction order in I.A.No.812 of 2014. Alleging non-compliance of the said direction, this Writ Petition is filed.

4. When the matter was taken up for consideration, learned Government Pleader for Home (TG) appearing for respondents 1 to 4 placed before the Court written instructions of the Sub-Inspector of Police, Abdullapurmet Police Station, dated 31.08.2017. In the said written instructions, the Sub-Inspector of Police stated that the respondent was ready and willing to provide police protection to comply with the directions issued by trial court. Recording the said submission, by order dated 06.09.2017, this Court granted interim direction, as prayed for.

5. Praying to vacate the said interim direction, W.V.M.P.No.4678 of 2017 is filed by unofficial respondents 4 and 5 in the Writ Petition.

6. When the vacate petition is taken up for consideration, learned counsel on either side requested for disposal of the Writ Petition finally at the stage of admission.

7. Learned counsel for the petitioner submits that to enforce injunction order police protection was granted as early as on 28.03.2016 but as the said order was not complied, petitioner was compelled to invoke the jurisdiction of this Court. He would submit that the injunction order and the police protection granted by the trial court are subsisting and the order passed by this Court is only to give effect to those orders. He would submit that if the order of this Court is not continued, there will be grave threat of interference in possession and enjoyment, even though the injunction order is operating in favor of the petitioner.

8. Per contra, learned counsel for the unofficial respondent No.5 would submit that he has also instituted O.S.No.116 of 2016 pending in the Court of Junior Civil Judge, Cyberabad at Hayatnagar and injunction order was granted in favor of the unofficial respondent No.5, which is operating in his favor insofar as the land to an extent of Ac.1.33 guntas in Survey No.195/EE of the same village and these two extents of lands are adjacent to the land of the petitioner. However, in the guise of injunction order in the suit filed by petitioner and the police protection order, the writ petitioner is trying to interfere with possession and enjoyment of the subject land. He would further submit that as this Writ Petition is pending he could not move the trial court and would submit that if it is clarified that respective extents of lands in possession of the respective parties should not be interfered, would protect his interest. He also submits that the boundaries mentioned in the suit instituted by the 5<sup>th</sup> respondent herein were interpolated and different survey number is reflected on the western side of the schedule and that interpolation could have been done by the petitioner.

9. As seen from the record, the Court noted the statement of police that they would comply with the directions issued by the trial Court and provide police protection and granted the interim direction.

10. Thus, as long as the injunction order and the police protection order are subsisting, it cannot be said that the petitioner is not entitled to ask for compliance of the directions issued. The apprehension expressed by the unofficial respondents

that in the guise of injunction order obtained by the petitioner, he is trying to interfere with possession in a different survey number cannot be gone into in this writ petition. As seen from the record, two different suits are pending, instituted by the rival parties, and both parties obtained injunction orders on the respective properties. If there is any interference in the possession by rival party in violation of the injunction orders, it is for the respective parties to bring to the notice of the competent Court and seek appropriate directions/modifications of the orders and this Court cannot go into the disputed questions of fact in the Writ Petition.

11. In view of clear statement by the police, it cannot be said any more that there is inaction on their part in complying with the directions issued by trial court and no further orders are required to be passed in the Writ Petition. However, it is needless to observe that it is always open to unofficial respondents to seek appropriate directions/ clarifications from the trial Court in the pending suit.

12. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, filed in this Writ Petition shall stand closed.

***P. NAVEEN RAO, J***

Date:08.03.2018

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