

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.9429 of 2018

ORDER:

This writ petition is filed seeking the following relief:

“..to issue a writ or order or direction, more preferably in the nature of Writ of Mandamus, declaring the inaction on the part of the respondents 2 and 3 herein in not disposing of the representation of the petitioners dated 17-01-2018 and directing the petitioners to get court direction for police protection, as highly illegal, arbitrary and unconstitutional, being violative of Articles 14, 21 and 300-A of the Constitution of India and also violative of Principles of natural justice and consequently direct the respondents 2 and 3 herein to dispose of the representation of the petitioners dated 17-01-2018 within a specified period and pass such other order or orders that may deem fit and proper in the circumstances of the case.”

2. Heard learned counsel for the petitioners and learned Government Pleader for Home (T.S.). Perused material record.
3. Learned counsel for the petitioners, while reiterating the averments made in the affidavit filed in support of the writ petition, would submit as follows:

The first petitioner filed O.S.No.177 of 2012 against the unofficial respondents and others, on the file of the learned Junior Civil Judge, Cyberabad at Hayathnagar, in respect of open land of an extent of 500 square yards in Plot No.156, Survey No.265, Pedda Ambarpet Kalan, Hayathnagar Village and Revenue Mandal, Ranga Reddy District. In I.A.No.369 of 2012 filed in the said suit, the trial Court granted an *ex parte* injunction order. After appearance of the respondents and filing of the counter by them, the said *ex parte* injunction order was extended until further orders. Despite such

injunction order in force, respondents 4 and 5 are trying to highhandedly trespass into the said property. Hence, they approached the police concerned for providing police aid for implementation of the injunction order and also gave a representation, dated 17.01.2018, to respondents 2 and 3 seeking police protection, but the respondents 2 and 3 are not disposing of the said representation. Further, respondents 2 and 3 are advising them to get orders from the Court for police protection.'

4. Learned Government Pleader for Home, on instructions, submits that this matter is purely of a civil in nature and that it is subjudice before the competent civil Court.

5. Recording the submissions, the writ petition is disposed of reserving liberty to the petitioners to approach the Court of the learned Junior Civil Judge, Cybearabad, and file an appropriate application for grant of police aid for implementation of the injunction order, which is said to have been granted in favour of the petitioners in respect of the subject property. It is needless to state that in the event, the petitioners file an application for grant of police aid, the trial Court shall dispose of the same simultaneously along with the application for temporary injunction, if it is not already disposed of on merits, as per the mandate of law, and pass appropriate orders, however, in strict accordance with procedure established by law, as expeditiously as possible,

preferably, within four weeks from the date of receipt of a copy of this order.

6. Since the learned Government Pleader for Home submits that there is no acknowledgment in respect of the representation, dated 17.01.2018, stated to have been filed by the petitioners, liberty is reserved to the petitioners to file a fresh representation before the police officer concerned.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

Date: 22.03.2018
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M.SEETHARAMA MURTI, J

